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ARCHIVES OF MARYLAND

XXXVII

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY

(16)

1730-1732

ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

MAY, 1730—AUGUST, 1732

PUBLISHED BY AUTHORITY OF THE STATE UNDER THE DIRECTION OF THE
MARYLAND HISTORICAL SOCIETY

BERNARD CHRISTIAN STEINER

Editor



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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *July 1, 1917.*

To the Maryland Historical Society:

GENTLEMEN :

We have the honor to submit the Thirty-seventh Volume of the Archives of Maryland, consisting of the Proceedings and Acts of the General Assembly of the Province from May, 1730, to August, 1732.

Respectfully,

SAMUEL K. DENNIS,
BERNARD C. STEINER,
JOHN M. VINCENT,

Committee on Publication.

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PREFACE.

While the pages of this volume were passing through the press there were found in the office of the Clerk of the Court of Appeals, at Annapolis, the following manuscript volumes of the laws, viz.: LL. No. 4 (1711-1723), L. No. 5 (1724-1731), H. S. (1752-1768), and R. G. (1769-1774), the last also containing the laws passed by the State Assembly in 1777 and several following years. Liber B. L. C. (1731-1752) was also found in the Land Office and all these volumes were transferred to the vault of the Maryland Historical Society, with the prompt coöperation of their former custodians, under the provisions of the Act of 1882, ch. 138. It has thus been possible to print, for the first time in this volume, the private acts passed from 1730 to 1732, as these were not included in the contemporary printing of the Session Laws. Unfortunately, the printing of the volume had so far progressed that it was necessary to place the private acts of 1730 in an appendix. It is expected to print, in volume 38 of the *Archives*, all acts hitherto not included in the series, from 1711 to 1729, and hereafter to publish all the acts of each session in their proper place. We shall thus possess the complete *corpus* of the Provincial statute laws of the Eighteenth Century, which fact is one which must cause considerable pleasure to every lover of the history of Maryland. In these cataclysmic times, it is often a delight to divert one's thoughts to the affairs of a quieter and simpler age and the picture of that age is now more complete, because of the ability to read the entire enactment of each session of the legislature. The private acts, which generally relate to naturalization of individuals, and to the correction of defects in deeds and wills, are of considerable value for deciding questions of pedigree and title to land.

The Proceedings of the Upper House were not printed during this period. The Lower House, at the Session of 1730, printed its Proceedings, periodically, in numbers, each containing four pages, an extremely early instance of such periodical publication. The first seven of these numbers are found in the Society's library and the New York Public Library has ten of them. The same library contains the only copies I know of the Proceedings of the Session of August, 1731.

The Calvert Papers contain manuscript originals of the Upper House Proceedings of 1732, and similar originals for part of the Lower House Proceedings for 1731 are listed in the calendar of Maryland Archives.

Two changes have been made in the volume from previous ones of the series. In view of the high cost of paper and the voluminousness of the Assembly Proceedings, each session is no longer given a separate title page. The two indices formerly compiled have been replaced by one consolidated one, which makes search for any subject easier. The manuscript records have been followed absolutely, except in case of obvious errors. We have not the original journals, but a contemporary copy, and the blunders of the copyist are sometimes evident: thus, on page 37, the manuscript reads *Charles* Grove, for *Clark's* Grove and, on page 67, Col. Casparus Augustine *Herman's* family name is written *Thompson*. On page 50, line 17, *Lower* has been substituted for *Upper*.

For the text of this volume, we have taken the Proceedings from contemporary manuscript copies in the Calvert Papers and in the Maryland Archives deposited in the Society's vault. The Acts have been reprinted from the contemporary session laws, printed by William Parks, at Annapolis, "Price Two Shillings, to those who bought the whole Body of Laws, and Two Shillings Six Pence to others." We are again indebted to the kindness of the Library of Congress for making photostatic copies of these session laws.

In an appendix will be found, taken from the Calvert Papers, etc., in the Society's vault, certain documents relating to Gov. Benedict Leonard Calvert's administration, and the years immediately succeeding, which have not been printed previously in the volumes of the *Archives*.

Madox once said that it was the duty of an historian to be continually "perusing a vast number of things, for a few comparatively that one actually collects." It is the province of a collection of archives to present this "vast number of things" to each investigator, so that each one studying a certain portion of history may collect the "comparatively few" things which are indispensable to his knowledge of his subject. Without such study of archives, a student founds his work upon shifting sand of tradition and second-hand information. Sir Henry Spelman is reported to have said truly: "*Grave est omnia ab archivis rimari, et incertum est quod non inde petitur.*" (Madox, History of the Exchequer, preface, page 4.)

Charles, fifth Lord Baltimore, the eldest son of Benedict Leonard, the fourth Lord and third Proprietary, and his wife, Lady Charlotte Lee, was a grandson of Charles II through his maternal grandmother, one of the King's illegitimate daughters. At the time that his father left the Roman Catholic Church, Charles was a minor and became a Protestant with him. Acceding to his title, while yet a minor, he died at the age of 52 in 1751. From the correspondence of his brother, Gov. Benedict Leonard Calvert, and from other sources, we gain a picture of Charles, Lord Baltimore, as a vain, frivolous,

dissolute man of comparatively little judgment or understanding. He was an associate of Frederick, Prince of Wales, and named his only son for him. On May 1, 1736, at the request of the Prince, he entertained the Lord Mayor and Aldermen of London, in Grosvenor Square (*Gentleman's Magazine*, Vol. VI, p. 208).

His unnecessary and inexplicable surrender of the rights of Maryland to the southern portion of the present State of Pennsylvania was contemporaneous with his visit to Maryland. He and his grandfather, who bore the same Christian name, were the only Lords Baltimore who ever visited their Province. The best accounts of Charles Calvert, fifth Lord Baltimore, are found in "Lords Baltimore," one of the Fund Publications written by Rev. J. G. Morriss, D. D., and in "The Lords Baltimore," by Clayton C. Hall, Esq. One may also refer to the "Autobiography and Correspondence of Mrs. Delany," edited by Lady Llanover and revised by Miss S. C. Woolsey.

The early part of this volume of the *Archives* treats of the latter portion of the administration of that pathetic figure, Benedict Leonard Calvert, scholar and gentleman, of whom it might well be said, in Virgilian phrase: "*Tu eris Marcellus.*"

George Chalmers, in his "Introduction to the History of the Revolt in the Colonies (II, p. 68), spoke of Maryland as enjoying, during this period, the "happiness of a placid Province," and indeed the storms only ruffled the surface. He described the form of government as a mixed monarchy, "a well poised form, in which the competent persons exercised their various powers, without feeling, for years, the fever of encroachment." In these years Maryland "rose speedily to riches and power, because she enjoyed . . . every blessing of freedom and of peace."

The people of England were beginning to take interest in the Province and to know something of its affairs. The *Gentleman's Magazine* (II, 826), mentions Gov. Benedict Leonard Calvert's death and in June, 1732 (II, 824), prints, as news from Maryland, a report that a great number of planters had destroyed 70 tobacco plantations and would not leave a plant of tobacco standing in the country, saying it was not worth sending to England. The Governor had called out the militia to stop them. Some years later, a Maryland correspondent wrote that magazine (XXXV, 15) that, "This Province is so nobly watered by so great a number of fine navigable rivers that a very great part thereof is always under tide-water In this Province are no waste lands. All are fit for cultivation."

The passage by the Assembly in 1729 of an act (Chapter 2) affecting the emoluments of the clergy, which act was finally dissented to by the Proprietary, led to a vigorous controversy. The Society for the Propagation of the Gospel

supported the clergy in this controversy and, in 1729 (Classified Digest of Records, p. 32), "Resolved that the Lord Baltimore be acquainted that in case the clergy of Maryland be obliged, thro' the hardships they suffer by this Act, to leave Maryland, the Society will employ them in their Missions in other Governments, and will not make any allowance to them or any other Clergymen as their Missionaries in Maryland, there having been a sufficient maintenance settled upon them by a former Act of Assembly, part of which is by this Act taken away and thereby the Clergy rendered incapable of subsisting themselves in that Government." A brief account of the difficulty is given by James S. M. Anderson in "History of the Church of England in the Colonies," Vol. III, p. 191. The dislike the clergy held towards Gov. Benedict Leonard Calvert is shown in a letter written the Bishop of London by the Rev. Jacob Henderson, on October 27, 1730 (Fulham Mss. L. C. Copies 317-6). "Two clergymen that were drove from Virginia for immoralities have been inducted here, the Revd. Mr. Edzar and the Revd. Mr. Wye. In short, our Governor sticks at nothing. He joyns in the loud cry of the immoralities of the clergy and, at the same time, rejects none that comes to him. We have now but one vacant parish in this whole Province and I cannot promise your Lordship that it will not be filled before one could come from England." Poor Mr. Henderson! He wishes the assistance of a surrogate, and does not know what to do with a complaint of the people of St. Stephen's Parish in Cecil County against their rector, Rev. John Urmston, for drunkenness, but he cheerfully concludes with the statement that the clergy in general are "more cautious, and I doubt not, in little time all will preserve good decorum." Rev. F. L. Hawks, in his "Contributions to the Ecclesiastical History of the United States," Vol. II, pp. 186 to 224, has discussed the Act of 1729 quite fully, and the Rt. Rev. William S. Perry, in his "Historical Collections of the American Colonial Church, Maryland and Delaware," pp. 262-282, 284-287, 299-302 and 309, has printed some valuable documents concerning the difference between clergy and Assembly. In view of the Proprietary's veto of this bill, we are not surprised to find the Rev. Jacob Henderson, on June 5, 1733, writing to the Bishop of London in praise of Lord Baltimore (Perry, *op. cit.*, p. 313). An interesting note upon the Rev. Mr. Henderson appears in Stanley's "Pilate and Herod," 250. He was Commissary for the Bishop of London many years. In 1718, he lived in the "forest of Prince George's County," and he was then inducted into Queen Anne Parish, as successor to Rev. Jonathan White. He continued in that office for 32 years and it is said that he and his wife, a well-to-do member of the Duvall family, gave the parish ground for a chapel of ease, that was dedicated to the Holy Trinity, and a glebe farm of 200 acres. Bishop Perry also prints (pp. 258-260, 269) letters in reference

to the division of St. Paul's Parish, Queen Anne's County. The student of this period will find Clarence P. Gould's monographs in the Johns Hopkins University Studies in Historical and Political Science, of value. Two of them have appeared, as follows: "The Land System in Maryland, 1720-1765" (1913), and "Money and Transportation in Maryland, 1720-1765" (1915). On the constitution of the Assembly, students will find a helpful chapter in Mereness's "Maryland—a Proprietary Province."

The Session of 1730 met with the Governor under the shadow of bereavement through the death of his brother, Edward Henry Calvert, who had been President of the Council. The recent dissent by the Proprietary to the laws concerning the oath of judges, regulation of the tobacco trade, and attorneys' fees made it necessary to have new legislation, and acts for those purposes were passed without much difficulty. In fact, the relations of the two Houses were quite harmonious. A new town was laid out in Cecil County. The acts providing for the laying out of Chestertown and Leonardtown were amended. A number of private acts were passed in relation to the title of land, some part of this work having been made necessary by the carelessness of a clerk in the office of the Commissary and Secretary. A number of "languishing debtors" found relief. The removal of St. Paul's Church from Colgate's Creek to the new Baltimore Town was authorized. The "preservation of the breed of wild deer" was the subject of a law which remained longest of all the acts of this session upon the statute book. We note the correspondence with Virginia in regard to the enactment of uniform tobacco laws and the detailed suggestions of an inspection system for the Provincial staple which Gov. Calvert made in his speech at the opening of the session.

The Proceedings of the Committee on Accounts, which the Lower House incorporated in its Journal, are of considerable interest, showing the assiduity of the Committee and revealing the details of the Provincial expenses. Unfortunately, the practice of placing these Proceedings upon the Journal was not followed in subsequent sessions.

The Session of July 1731, passed very few acts, because it was prorogued before it had completed the work expected of it. This early prorogation was due, in large measure, to an outbreak of smallpox on a ship in the harbor of Annapolis, which vessel was strictly quarantined. Gov. Calvert announced his intention to return to England and urged care in drafting of laws. The language of the answers to his speech, which the two Houses prepared, showed a real affection for him. An act to encourage the manufacture of linen cloth, and one to finish the Calvert County Court House, are the only ones passed of much importance. The Proprietary's dissent to the Fee Act was read. An opinion as to officers' fees, dated January 15, 1730/1,

by Sergeant Wm. Wynne of the Middle Temple, is printed in 32 Archives (Council), pp. 493-498.

The discussion as to framing an oath for a judge which would satisfy both Proprietary and Assembly continued, as did the controversy concerning emitting bills of credit. The regulating of the value of foreign coin caused discussion and the languishing debtors were like their oriental predecessors, the poor, who were always with the people of Palestine. One Charles Slye, who was skilled in military tactics, asked that he be employed to train the militia, but although the two Houses felt that his proposal was a good one, they could not agree as to the manner of paying him.

A month after the prorogation, the Assembly was reconvened on August 19. The session was regarded as closely connected with the previous one; for the acts received continuous chapter numbers, and the costs for private bills passed by both sessions were taxed at one time. The number of private acts passed was unusually large and the debtors who were relieved were more numerous than usual. An act for ascertaining the form of oath of a judge was vetoed by the Governor, as was one for the regulation of the value of foreign coin. Some queries from England as to the foreign trade of the Province led the Assembly to give interesting details as to that subject. The staple product, tobacco, is shown to be still in an unprosperous condition. An act compelled officers to write the amount of their fees in words at full length. The Assize Act was discussed, but was not passed until the Session of 1732. It is interesting to notice the order of proceeding in the passage of a bill. After passing two readings in the House where it originated, it was sent to the other House and received two readings there. It was then returned, with notice of approval, or rejection, or with amendments. If the two Houses could not agree as to amendments, a Conference Committee was appointed, which reported to both Houses. If the bill was either returned with a favorable report or the amendments were agreed to, it was read a third time in the House of origination, sent to the other House for a third reading and, thereafter, transmitted to the Governor for his signature.

Samuel Ogle, whose commission as Governor was read in the Provincial Council on December 7, 1731 (25 Archives 549), is said to have been a captain in the British Army before his arrival in Maryland. A year after his assumption of the governorship, he yielded the executive position, on December 11, 1732, to Charles, Lord Baltimore, who came to Maryland in person and assumed the direction of affairs. He remained only about six months and then recommissioned Ogle as Governor on June 20, 1733. Ogle took the oath of office on July 11, and continued as Governor until August 23, 1742, when he went to England, turning over the administration to Thomas Bladen, who

was a brother-in-law of the Proprietary, having married a sister of Lady Baltimore. Ogle married Anne, daughter of Benjamin Tasker, a member of the Council, and niece of Thomas Bladen and, while he was in the Province, lived at Bel Air in Prince George's County. He returned as Governor on His Majesty's ship *Foulkstone*, in 1746/7, taking the oath of office on March 16. This third gubernatorial term lasted until his death, May 3, 1752. His brother-in-law, Benjamin Tasker, succeeded him and, when Col. Horatio Sharpe came with a commission as Governor on August 6, 1753 (6 Archives 1), the succession of executives from the Calvert and connected families, which had continued since October, 1720, came to an end.

Mrs. Ogle died in extreme old age, on August 14, 1817. Benjamin Ogle, a son of Governor Samuel Ogle, was Governor of the state from 1798 to 1800. A letter from Governor Ogle to Charles, Lord Baltimore, written on August 25, 1733, shortly after the latter's departure from the Province, is printed in 34 Fund Publications, pp. 88 and ff.

Shortly after his arrival in the Province, Governor Ogle summoned a new Assembly. When the election returns were received, it appeared that, as was almost universally the case during the Provincial History, "Maryland, from its outset, rose upon the shoulders of persons of high birth, moved to their destination by the best thought at home." (Alexander Hamilton Bullock, on "Intellectual Leadership in History," in "Representative Phi Beta Kappa Orations," p. 132.)

The Lower House organized by selecting John Mackall as its Speaker, a position in which he had already served acceptably, and by appointing its usual committees.

The Assembly of 1732 finally passed a bill for issuing paper money, a subject which had been under discussion for several sessions. The act provided for the redemption of the notes, which fact induced George Chalmers in his "Introduction to the History of the Revolt in the Colonies" (Vol. 2, p. 159), to write, "if the legislators of Maryland were not in those days great financiers, they were, at least, honest men."

It was, in general, a working legislature. The long discussion as to the oath of a justice finally ended in a compromise. The Assize Bill was passed. A number of towns were laid out. A close election in the capital led to the passage of an act for prevention of bribery or corruption in the elections there. For some reason, Baltimore dissented to this act, which contained the quaint provision that the officer giving an oath to voters not to act corruptly should not take a fee therefor. There had been riotous proceedings in cutting up tobacco plants which led to an act against such lawlessness. Iron manufactures and those of linen were encouraged and the taxes were revised; the act for the

Governor's salary being also renewed. That festering sore of injustice, the treatment of persons in jail, many of them for no crime but merely because of debt, was revealed in its full hideousness by a committee report, but to the disgrace of the Provincials, no step was taken to remedy conditions and the Upper House, in its desire to assure the creditors of their rights, refused to release from confinement some unfortunate men whom the Lower House recommended for such leniency by granting them private bankruptcy laws. Complaint was made that the militia were not properly trained, and that there were abuses in the issuing of warrants in the Land Office.

This is the first session of the Lower House for which the record of the yea and nay votes is extant. There are 20 divisions reported. The speaker never voted. The roll was called by counties, according to the date of their formation, as now. For some reason, however, Somerset was placed out of its chronological order, after Charles. On July 21, when there was a vacancy from Annapolis, on the division over the Revenue Bill, 48 members voted. As there were 12 counties, each returning four members, and the City of Annapolis, returning two, the total number of members was 50, when there were no vacancies. Toward the end of the session, members began to go home, and at a division on August 7 only 34 voted. The last division on August 8 recorded 37 names.

The divisions were upon six main subjects. 1. On July 12, it was voted to print the yeas and nays, by a vote of 29 to 17. I can find no particular significance in the alignment of members in this division. 2. On July 17, the House voted, 26 to 21, to have trashy tobacco burnt and on July 19, reversed this vote in a manner, by refusing, 21 to 26, to pass a bill to prevent exportation of trashy tobacco. In these divisions, the Eastern and Western Shores separated. In the earlier vote, all the Western delegates except one from St. Mary's and two from Baltimore, voted for the drastic measure, while only one from Talbot, one from Somerset and two from Queen Anne's joined them, from the Eastern Shore. In the later vote, one from Kent also voted in the affirmative, but one from Queen Anne's changed to the negative, and another St. Mary's man, two from Calvert, and one from Charles voted against the destruction. 3. On July 12, the House voted, 12 to 32, not to exempt delegates from service in the Assizes. The affirmative votes were from St. Mary's, Calvert, Charles, and Queen Anne's, with a scattering one from Baltimore and from Prince George's. On July 21, by one majority, 22 to 23, the House voted not to bring in a bill to punish bribery at elections. Most of the affirmative votes came from the Eastern Shore, viz.: Kent 1, Talbot 3, Dorchester 3, Cecil 3, Somerset 4, Queen Anne's 2. 4. The Revenue Bill caused a division on July 21, when the House voted, 16 to 32, not to consider it. On July 24, it voted not to alter the 12 pence

for the support of government, 16 to 26; to continue the 2 shillings for rents and alienation fees, 26 to 20; and to pass the Revenue Bill for one year only, 33 to 13. On July 27, the House voted, 25 to 22, for the Government Bill and, on July 31, for the same bill, 24 to 22. On August 1, the House decided, 31 to 14, to allow the 3 half-pence duty to the Governor for one year, instead of three; and, on August 7, the 3 pence duty raised for arms was allowed, by a vote of 22 to 18, to be disposed of as the Governor and Assembly might see fit. Here we have distinctly political questions and may expect to find parties, if anywhere. An examination of the votes discloses something like the English division into Court and Country parties and we note that some of the delegations from the counties appear to be divided. A conjectural division of the members upon this basis is as follows: Court Party: *St. Mary's*, Hopewell; *Kent*, Blackistone, Willson, Howard, Hall; *Calvert*, Mackall; *Dorchester*, Hooper, Woolford, Taylor, Brannock; *Baltimore*, Scott; *Annapolis*, Gordon; *Anne Arundel*, Dulany; *Talbot*, Goldsborough, Hooper, Edmundson, Needles; *Cecil*, Ward; *Queen Anne's*, Wright, Hemsley, Clayton, Elliott (22). Country Party: *St. Mary's*, Waughop, Read, Jordan; *Anne Arundel*, Beale, Hammond, Warfield; *Charles*, Courts, Middleton, Hanson, Hawkins; *Cecil*, Herman, Wood, George; *Prince George's*, Magruder, Crabb, Belt, Sprigg; *Calvert*, Smith, Skinner; *Somerset*, Gale, Allen, Dashiell, Caldwell; *Baltimore*, Mathews, Hamilton, Sheredine; *Annapolis*, Cumming (27). The Speaker, of course, is of no party. The strength of the Proprietary party on the Eastern Shore is notable. 5. On July 31, the House voted, 25 to 20, to allow payment of fees at 10 shillings for 100 pounds, rather than at a penny a pound of tobacco. The alignment of the voters is puzzling and I have no clue to it. 6. On August 4, the House voted, 20 to 21, not to agree to the Upper House amendments to the Paper Currency Bill and, on August 7, the vote was repeated, 15 to 19. On August 5, the House voted, 28 to 15, to enforce this bill. On August 5, it also voted, 16 to 26, not to defer the law going into effect until the Proprietary could be heard from; but, on August 7, it reversed this vote, 20 to 17. A vote had been lost from the negative in Prince George's, Dorchester, Calvert, Somerset and Annapolis, two from St. Mary's and from Charles; while the affirmative had gained one from Somerset, Dorchester, Annapolis, and Queen Anne's. On August 8, by the close vote of 18 to 19, the House voted not to allow the Governor to name the Commissioners to be appointed under the Paper Money Act. In general, the votes on the Paper Money Bill seem to follow the lines of those in the revenue acts.

As this was a new Assembly, new committees were appointed. It is interesting to observe that no attempt was made to place all members on committees and that Messrs. Dulany, Beale, and Magruder were each upon two committees.

There were the following changes in the membership. In St. Mary's County, Waughop was the only member reelected. Charles sent two new men and reelected Courts and Robert Hanson. Calvert County made no change in its delegation. From Prince George's, Sprigg was a new member, as was Hammond from Anne Arundel, and Sheredine from Baltimore. Cecil reelected George and Herman and sent two new men with them. From Queen Anne's, Hemsley and Elliot were reelected, as was Edmundson from Talbot, Taylor and Brannock from Dorchester, Gale and Dashiell from Somerset, and Cumming from Annapolis. In all, there were 26 old members, or just a majority, in the House. The Committee of Elections had no new members, that of Laws 3 out of 8, that of Accounts 3 out of 4, that of Aggrievances 1 out of 7.

In the proceedings of the Upper House for this session we find, for the first time, *Baltimore* instead of *Baltemore*.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis, May 21-June 16, 1730.
Being the Third Session of the Assembly, Elected in 1728.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BENEDICT LEONARD CALVERT,
Governor.

PROCEEDINGS
THE UPPER HOUSE OF ASSEMBLY

Maryland ss^t

At a General Assembly of the Province of Maryland begun and held at the City of Annapolis the 21st day of May in the Third year of the Reign of Our Sovereign Lord George the Second and in the sixteenth year of His Lordships the Lord Proprietarys Dominion &c. being the Third Session of this present General Assembly Annoq Domini 1730.

Present

His Excellency Benedict Leonard Calvert Governour

The Hon^{ble} { Charles Calvert Esq^r Coll^o Matthew Tilghman
Coll^o W^m Holland Ward
Philemon Lloyd Esq^r Benjamin Tasker Esq^r
Coll^o Rich^d Tilghman Phillip Lee Esq^r

Members of the Upper House.

John Beale Esq^r and Coll^o Joseph Belt from the Lower house attend and acquaint His Excellency the Governour that there are a Sufficient Number of Members met to make a House and proceed upon business and wait His Excellencys Commands.

Whereupon Philemon Lloyd and Coll^o Tilghman are sent to the Lower house to acquaint them His Excellency requires the Speaker and the whole house to attend him in the Council Chamber

U. H. J.
No. 33
p. 1
May 21

Council met on Oct. 18, 1729, and prorogued the Assembly from Nov. 16 to March 24 (25 Archives 515), and on Feb. 17, 1729/30, further prorogued it to May 21 (25 Archives 516). On May 7, the Council met to receive the Proprietary's dissent to several laws and instructions to the Governor.

U. H. J.
During this
Session the
Council met
on June 5
and 16 (25
Archives
531, 533).

The Speaker and the whole house accordingly attend on his Excellency to whom he is pleased to make the following Speech.

Gentlemen of the Upper & Lower Houses of Assembly

However inconvenient in many Respects, this time of year may be, for our meeting in Assembly, yet such is the present Condition of Our Staple, that a Speedy Care for it's Amendment is necessary; It is therefore, you are now convened, that you might have an Early Opportunity to Consult the publick Good therein.

The late great Affliction wherewith it hath pleased Divine Providence to Visit me, and Indispositions that have attended me, have very much impeded the Application of my Thoughts, to publick business, so that I have little to lay before you at present, as of my own Consideration.

Gentlemen

Pursuant to the joynt Address of both Houses I have Concerted, as far as possible Since last Sessions a Correspondence with Virginia Some time before, a scheme had there been formed, towards an Useful Tobacco Law, and I understand it is so far approved of, that it is to be now laid before the Virginia Assembly. A copy of it I shall Communicate to you, for your Consideration The main Scope of it, is, I apprehend to prevent Trash from being Exported from these parts, and the running of our Tobacco at home, which by many
p. 2 is Esteemed a more probable method of Advancing the Credit, and thereby the Value of Our Tobacco, than a bare Limitation to a number of plants, and surely Trash is the greatest Cancre to Our Staple: I hope you will not delay to enter most seriously and Calmly on a Subject so important to this province. I wish you now to Advise on all other Matters relating to the publick, that the trouble and Expence of another Session this Year may be saved to the Countrey.

May wisdom and Moderation direct your Counsels otherwise they will be rendered ineffectual, and the Country possibly may grow daily more and more uneasie in it's Circumstances.

Certain you may be of my Inclinations, to advance the real happiness of his Lordships Tenants, and nothing can ever be more agreeable to me, than to see Blessed Harmony leading us into such Measures, as may fix it on a lasting foundation.

Proposals for the more Effectual Improving the Staple of Tobacco in Virginia and for preventing frauds therein.

Forasmuch as it is found by Experience that the Regulations heretofore Established for Obliging the Planters to make and Pack good and Merchantable Tobacco, and to prevent the Exportation of such Trash as Serves only to Clogg the Markets have not proved Effectual to that end, neither hath the Limiting the number of Plants

to be tended by every labouring person tho design'd as a means to U. H. J. Meliorate the Quality of that Comodity induced the Planters to a greater Care in making and curing thereof, Since the worst Tobacco they make is still Vendible to Sailors and others who buy it with a View to defraud the King of his Customs by running it in great Britain.

It is therefore proposed that there be no longer any Restriction as to the Quantity of Tobacco to be tended and made by each labouring Person or Titheable, which has only Cramp'd the Industry of the Honest but has had little Effect in Reforming the Lazy and Dishonest.

That for preventing the Sale and Exportation of bad and unsound Tobacco, All Tobacco whatsoever be brought to certain Storehouses in the Several Rivers and Districts, and at such places where the Ships usually Ride and Load.

That at each of these Storehouses there be appointed three men of known Integrity and skill, and under the Obligations of an Oath, carefully to View and Examine all the Tobacco that shall be brought thither and be also bound with good sureties in a penalty to do their Duties, and if any bad Tobacco not damaged in the Ship [be] found under their Stamp to be a forfeiture of their Bonds, and to allow none to pass in payment or for Export but such as shall be good and Sound p. 3 and Merchantable and clear from all mixture of Sand Dirt or mean and Trash Tobacco.

That if upon Examination of any Hogshead of Tobacco there be found any such Mixture of bad Tobacco, the Owner may at his own Cost and Charge, Seperate the same and Repack that which is good and the bad shall be immediately destroyed, but if the Owner refuses to Seperate such Trash then all the Tobacco in such Cask to be burnt.

That Whereas bad Tobacco is frequently pack'd up by Overseers without the Knowledge of their Masters or Employers, if any such be found out and destroyed, the Overseer shall be Answerable to his Employer for the loss thereof.

That when any Hogshead of Tobacco has been Viewed and approved of as good by the Inspectors, they shall Weigh the same with lawful scales and Weights shall line and nail it and Mark thereon the true Tare and then shall stamp such Hogshead on the head and Staves as a Proof of it's being good and Sufficient and no Tobacco shall be pass'd in any payment of any Debt or Duty or be Offer'd to Sale or put on board any Ship for Exportation until the same has been so View'd and Stamp'd.

None shall Offer to Sale any hogshead or Cask of Tobacco before Stamp'd under the Penalty or forfeiture of the Tobacco and double Value thereof and the like Penalty of double Value on the Buyer.

That for the great Conveniency of dealing between the Merchant and the Planters Anyone bringing or Tending his Tobacco to the

U. H. J. Storehouses after it has been View'd and approved may take one or more Promissory Notes for the same under the hand and Seal or Stamp of the Inspectors payable to the Bearer which Notes shall be Current in all Tobacco Payments and shall be Answer'd by the Inspectors at the Storehouses from whence they Issued, Deducting a reasonable Allowance for shrinkage in Cask to be deliver'd out thence only for shipping.

That for defraying the Charges of building or hireing Storehouses providing Scales and Weights, Erecting Wharfs for the Shipping of Tobacco and for paying the Annual Salaries of the Inspectors in proportion to the trouble they have respectively, there be paid for each Hogshead of Tobacco Stamp'd as aforesaid by the Owner or purchaser thereof the sum of Two Shillings and six pence to be accounted for to a Publick Treasurer and by him Issued for the purposes aforesaid.

That for preventing any undue preference in the payment of the Tobacco Sold at the Storehouses, and for which Transferable Notes are given as aforesaid, no Inspector during his being such shall directly or indirectly for himself or any other person buy any Tobacco whatsoever neither shall take or receive any Fee or Reward for doing his Duty other then the Annual Sallary aforementioned, and such Fee as shall be Judged reasonable for making out Signing and Stamping the Transferrable notes for Sale Tobacco.

p. 4 NB. The Merchants now pay from Two Shillings to Two Shillings and Six pence to the common Receivers for every Hogshead of Tobacco they purchase, and very often are deceived by the fraud or negligence of those Receivers so that the Fee of Two Shillings and Six pence p hogshead now proposed will be much better employ'd when the Tobacco is to pass the View of Men of better Skill and Character.

And to the end the Ships may not be delay'd in the Country by a tedious Expectation of Lading, nor put to the charge of fetching Tobacco from the Houses and Plantations of the Inhabitants, which now Costs them in Sloop hire mens wages &c. at least Three Shillings p hogshead.

It is proposed.

That the Tobacco be delivered at the Store houses by the people themselves or Transported thither in Sloops or Boats belonging to the Country and that in recompense for the trouble and for the Conveniency of having their Ladings ready where the Ships lye, which they are fetch'd on Board with their own Boats and men, the Master of the ships shall allow and pay to the Freighter Two Shillings p Hogshead and that no Ships Boat or Men shall be suffered to take on Board any Tobacco but from the Store houses only and that to be carried on Board the Ship directly for Transportation.

That for preventing the loss which happens to the Owners of U. H. J. Ships in their freight by the packing of Tobacco in Hogsheads of an unreasonable size, the Inspectors of Tobacco are to reject as unlawfull all Tobacco hogsheads of larger Demensions than Forty Eight Inches in length and Thirty Inches Diameter at the head but the Owner may have leave to repack his Tobacco in Sizeable Casks at his own charge. And that the Owners of Ships may know when to fit out their Ships with an Assurance of a lading on their Arrival, and the People have reasonable time to Transport their Tobacco to the Storehouses. It is proposed, that no Tobacco be Deliver'd out of the Storehouses, in Order to be laden on board any Ship before the first of February nor after the last of July, that the ships may be the better preserved from the danger of the Worm, and their men from the Distempers which often prove fatal to them in the latter Seasons

And for preventing frauds in his Majesties Customs by running Tobacco in Great Britain either Pilfer'd out of the Hogsheads after they are laden on board or purchased by Sailors in the Country and carried on board in Bulk and often of such kind of Trash as would not otherwise be Exported but for the low price paid for it And the hopes of Saving the Duty at home

It is Proposed

That every Master of a Ship at his Entry shall give Bond and make Oath not to Suffer any Tobacco to be brought on board his Ship but in Casks View'd and Stamp'd as aforesaid

That for so much as shall be necessary for the Crews smoaking p. 5 during the Voyage the Master shall provide the same of such Tobacco as has been approved by the Inspectors, which shall be brought on Board in Cask and set in some Open and publick place in the Ship That all Bulk Tobacco found on board any ship or water born in any Sloop Flatt or Boat belonging thereto, may be seized and the double Value thereof recovered in any Court of Record. That the Inspectors at the several Warehouses shall enter into a Book for that purpose the Marks Numbers Gross and Neat weight and Tare of all hogsheads of Tobacco View'd and stamp'd by them, and in what Ship or Ships put on board and shall send a Manifest of the Tobacco deliver'd to each Ship to the Naval Officer of the District where such Ships Ride, to be by him Transmitted to the Officers of His Majesties Customs in that Part of Great Britain to which such Ship is bound for the more speedy detecting any fraud in running any Tobacco Stolen out of the Hogsheads. The weight of the whole Export to be sent Annually to the Commissioners of the Customs. And for Obviating disputes concerning Freight Every Master of a ship shall be obliged within Ten days after his Arrival by a note under his hand to be set up at the nearest publick Storehouse to his Mooring, to publish at what Rate he will receive Tobacco for that Voyage.

U. H. J. And Lastly it is proposed that there shall be three Storehouses on each great River, two on the Eastern Shore and two or three on the Western side of the Bay where Ships may Ride and Load. That the Sallarys to the Inspectors will Amount to Three Thousand pound p Annum That the charge of store houses Wharfs Cranes Scales and Weights Prizes and other Incident Charges may probably amount to Two Thousand pounds but if the Money Arising by the fee of Two Shillings and six pence p hogshead falls short the Sallarys and Expence to be proportion'd accordingly, and if it exceeds the Overplus may be apply'd towards rendering the Navigation more Easie, Erecting of Beacons, clearing of Rivers &c or such other Uses as shall be Judged most Advantageous to Trade The appointment of fit places for storehouses the Sallarys to the Inspectors and other regulations for the better Executing this scheme may be left to the Governour with the Advice of the Council

Mr. Key and M^r Young attend with Coll Tho^s Trueman Greenfield One of the Members Elected to Serve for S^t Marys County in Order to see him Qualified, who took the Oaths to the Governm^t appointed to be taken by Act of Assembly and subscribed the Abjuration and Test according to the directions of the Act aforesaid and then withdrew

Adjourned till to Morrow morning Nine of the Clock

May 22

Fryday Morning 22^d May 1730.

This House met again according to Adjournment.

Present as yesterday with the Addition of Coll^o Rider Read the Petition of the Freeholders and Inhabitants of Chester Town commonly called New Town in Kent County and Ordered to be thus Endorsed.

p. 6

By the Upper House of Assembly 22^d May 1730.

Read and Recommended to the Consideration of the Lower House of Assembly

Signed p Order John Ross Cl. Up. Ho.

The following Message being prepared is sent to the Lower House with the foregoing Petition by Coll^o Rider.

By the Upper House of Assembly 22^d May 1730

Gentlemen

The times of Sitting for the Dispatch of the Publick business of this Province proposed in your Message of this day by Coll^o Fendall are agreed to by this House

Signed p Order John Ross Cl. Up. Ho.

A Message from the Lower House by Coll^o Fendall

U. H. J.

By the Lower House of Assembly 22^d May 1730

May it please your Honours

This house in Order to Expedite the Publick Affairs hath Resolved to sit from Eight of the Clock in the forenoon until Twelve and from Two in the Afternoon until Six during this Session, and desires to know if the time proposed be agreeable to Your Honours

Signed p Order M: Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the Afternoon.

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

The Honourable Charles Calvert Esq. attended by the rest of the Members of this House wait upon his Excellency the Governour and present to him their Answer to His most favourable Speech to both Houses of Assembly at the Opening of the Session which is as follows Viz.

To His Excellency Benedict Leonard Calvert Governour and Commander in Chief in and Over the Province of Maryland.

The humble address of the Upper House of Assembly

May it Please Your Excellency

The great Regard for the Publick Weal of this Province, which Your Excellency is pleased to Express in Your kind Speech to both Houses of Assembly, at the Opening of this Session is so very agreeable to us, the Members of His Lordships Upper House of Assembly, that We do in the most grateful manner acknowledge p. 7 the Just Sense We have of your Excellency's Wise and prudent Conduct in Convening the Assembly at a Conjuncture, when the Melancholly and languishing Circumstances of Our People, by the low price of the Staple of Tobacco, and when our Neighbours of Virginia are using their greatest Efforts towards an Improvement thereof, calls loudly upon the Legislature to fall upon proper ways and means for preventing impending mischiefs, by concerting such measures, in Relation to the Growth and Manufacture of Tobacco, as may Effectually advance the Trade and Staple thereof in both Colonies

We must confess ourselves to be under so much the greater Obligation to Your Excellency at this time, that your great and sore Affliction, upon the Death of your Brother our late President and Commissary General, hath not Obstructed your Care and Solitude

U. H. J. after the Publick Good. We heartily condole with Your Excellency upon the untimely Death of that promising Branch of your Noble family, who, if Providence had spared his life, had already during his short stay among us, given an Earnest of becoming an Ornament to the Country.

It is with a great deal of pleasure, Sir, that We accept and highly approve of Your Excellency's good Offices, in Setling a Correspondency with the Government of Virginia. We acknowledge likewise, the favour of laying before this House, the Scheme of a Tobacco Law formed there. This House hath not as yet, enter'd upon the Consideration thereof, but are Unanimously resolv'd with Vigour and Application, to Join with the Lower House of Assembly, in all such reasonable Measures as shall be proposed for the Advancement of Our Trade, and the Improvement of Our Staple of Tobacco, as the most Effectual nay, almost only means of procuring the happiness and prosperity of the Good People of this Province.

We heartily thank Your Excellency for the good Advice given to both Houses, being well Assured, that Unanimity, regulated by Wisdom and Moderation, can only furnish the means of retrieving a Trade almost lost; of advancing a Staple now, render'd almost worthless and incapable of Supporting the manufacturers; and lastly of recovering the Good People of this province, from those languishing Circumstances, which the late great Decay of Trade and Mismanagement of the Staple, both here and in Great Britain hath reduced them unto.

As it is the Principal Business of Legislation to Establish as a foundation, all the possible and most probable means of promoting the happiness of the people, and our Country, as We conceive, do expect nothing less from the Proceedings of this present Sessions of Assembly, We are therefore in hopes, that no difference upon this critical Conjuncture will interrupt, or in any manner Obstruct the bringing about the publick Good, seeing that Your Excellency hath been pleased in so Generous and publick a manner, to assure us of
 p. 8 your own good Inclinations towards the promotion of the real happiness of His Lordships Tennants, the Inhabitants of this Province.

Which Address was Subscribed by all the Members present
 Adjourned till to Morrow morning Eight of the Clock.

May 23

Saturday morning 23^d May 1730.

This House met again according to Adjournment

Present as yesterday.

The following Message being prepared is Sent to the Lower House by Benjamin Tasker Esq^r

By the Upper house of Assembly 23^d May 1730

U. H. J.

Gentlemen

The agreement made by the Commissioners appointed by both Houses last Sessions with a Workman to build a Seperate Repository for the Records not being Complied with, the Workmen being Run-away, and as the same Reason still Subsists for the building such Repository, We desire you'l appoint some of your Members to join Benjamin Tasker Esq^r a member of this House, that they may agree with other Workmen for the performance of so Useful a Building for the publick Good

Signed p Order John Ross Cl. Up. Ho.

Read the Petition of John Smith Prisoner in Prince Georges County Goal and Rejected.

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Coll^o Hanson and Cap^t Gordon

By the Lower House of Assembly May the 23^d 1730

May it please Your Honours

In Answer to your Message of this Day by Benjamin Tasker Esq^r This House doth appoint Major Robert Hanson and Cap^t Rob^t Gordon to Join Benjamin Tasker Esq^r appointed by your House to Agree with Workmen to build a seperate Repository for the Records.

Signed p Order M: Macnemara Cl: Lo: Ho:

His Excellency the Governour is pleased to deliver His Answer to the Address of this house in the following words Viz.

Gentlemen

The kind terms of your Address, require this return of thanks, which I tender to you most sincerely; The Dependance I have on your Zeal for the Publick Good, is a great pleasure to me since I promise my self great Assistance from your Advice in promoting the mutual Prosperity of the Lord Proprietary and his Tenants.

Benedict Leonard Calvert.

Ordered The Address and Answer to be Printed

Adjourned till Monday morning Eight of the Clock.

U. H. J.
May 25

Monday Morning 25th May 1730

This House met again according to Adjournment

Present.

The hon ^{ble}	{ Charles Calvert Esq ^r	Benjamin Tasker Esq ^r
	{ Coll ^o William Holland	Philip Lee Esq ^r
	{ Coll. Richard Tilghman	Coll ^o John Rider
	{ Coll. Matthew Tilghman Ward	

Members of the Upper House

A message from the Lower House by M^r Harris & Major Hanson

By the Lower House of Assembly May the 25th 1730

May it please your Honours

This House being Convinced, as We believe Your Honours are, That a Tobacco Law is absolutely necessary to save the country from Ruin And that as it is an Affair of so great Consequence it ought to be considered in the best manner possible, not only to avoid as many Objections as may be thought of but also to prevent any greater delay than the nature of the business requires. We propose, as an Expedient to dispatch so necessary a Work and to prevent any Disputes or misunderstandings with your Honours about it, to appoint a Committee of this House to Join with some of your Members in Order to draw a bill to be passed into a Tobacco Law.

Signed p Order M. Macnemara Cl. Lo. Ho.

The following Message being prepared is sent to the Lower House by Philip Lee Esq^r

Gentlemen

In answer to your Message of this Day by M^r Harris and Major Hanson this House hath nominated Philemon Lloyd Esq^r Coll^o Richard Tilghman and Philip Lee Esq^r Members of this House to Join any Members Your House shall appoint in a Committee relating to the Subject matter of the said Message.

Signed p Order John Ross Cl Up^r Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning.

p. 10 A Message from the Lower House by M^r Harris & M^r Jennings

By the Lower House of Assembly May the 25th 1730

U. H. J.

May it please your Honours

This House hath appointed Coll^o Greenfeild M^r Dulany Major Harris M^r Jennings M^r Samuel Hanson and M^r Key as Conferrees to Join Philemon Lloyd Esq^r Coll^o Tilghman and Philip Lee Esq^r appointed by your House to consider of a Tobacco Law and desires to know when and where Your Honours will appoint to meet on the said Conference

Signed p Order M : Macnemara Cl : Lo : Ho :

To which the following Answer is prepared and Sent to the Lower House by Coll^o Tilghman.

By the Upper House of Assembly 25th May 1730

Gentlemen

In Answer to Your Message of this Afternoon by M^r Harris and M^r Jennings Coll^o Richard Tilghman and Philip Lee Esq^r two of the Members appointed by this House (Phil^o Lloyd Esq^r not being yet come over the Bay but hourly Expected, who upon his coming will be also ready to Join) are ready to Join the Members Nominated by your House in Order to Consider of a Tobacco Law at the House of M^{rs} Jordan imediately.

Signed p Order John Ross Cl : Up : Ho :

Adjourned till to morrow Morning Nine of the Clock.

Tuesday Morning 26th of May 1730.

May 26

This House met again according to Adjournment.

Present as yesterday with the Addition of John Hall Esq^r

Read the Petition of John Cornelius, Benjamin Freeman and John Vines Languishing Prisoners in Ann Arrundel Co^{ty} Goal and Ordered Severally to be thus Endorsed.

By the Upper House of Assembly 26th May 1730

Read and Referred to the Consideration of the Lower House of Assembly, and that the Sheriff have the prefference of the Prisoners Effects towards payment of his fees, and the Remainder of the Effects to be divided among his several Creditors for payment of their Debts.

Signed p Order John Ross Cl Up. Ho.

Sent to the Lower House by Coll^o Ward.

U. H. J. Read the Petition of John Nicholson Prisoner in Ann Arrundell County Goal and Rejected.

p. 11 Read the Petition of Thomas Spalding Junior of St Marys County and Referred to the Consideration of the Lower House of Assembly
Read the Petition of Several the Inhabitants of Charles St Marys Prince Georges and Calvert Countys and Ordered to be thus Endorsed.

By the Upper House of Assembly 26th May 1730.

Read and Referred to the Consideration of the Lower House of Assembly and that there be notice given to the Proprietors.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by John Hall Esq^r
Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment.

Present as in the Morning.

Read the Petition of Several the Parishoners of the Parish wherein the Reverend M^r Hugh Jones is the present Incumbent praying leave that a Bill may be brought in to empower the Justices of Charles County Court to Levy Twenty p poll more on the protestants of the said Parish so long as he shall Continue Incumbent therein and ordered to be thus Endorsed

By the Upper House of Assembly 26th May 1730.

Read and Recommended to the Consideration of the Lower House of Assembly

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Rider

His Excellency the Governour is pleased to Communicate to this House an Address of the Lower House of 23^d Instant

To the Honourable Benedict Leonard Calvert Esq^r Govern^r of Maryland. The humble Address of the Lower House of Assembly

May it please Your Honour

The Right Honourable the Lord Propri^{ty} having lately Dissented to several Laws past within this Province which the Legislature
p. 12 thought Beneficial to the Inhabitants thereof And it being the

Opinion of this House, that it is Absolutely necessary to prepare U. H. J. some Bills in Order to be past into Laws, to the same End, with those which have been Dissented to, We are at a loss to know what Objections were made to the said Acts, or upon what Motives or reasons his Lordship Dissented to them, And being very desirous at this time, to Avoid all Just and reasonable Objections, and to make Our Laws as unexceptionable as we can; We request Your Honour will be pleased to Communicate to this House, the Objections made to the said Laws with the reasons and Motives that Occasioned His Lordship to Dissent to them, that We may not give the like Occasion.

Signed p Order of the House Jn^o Mackall Speaker

May the 23^d

To which His Excellency returned the following Answer by Coll^o Ward and Benjamin Tasker Esq^r

Gentlemen.

In Answer to Your Address, presented me on Saturday last, wherein you request to know the reasons and Inducements for His Lordships late Dissents, I hope the following particulars, will give you some satisfaction therein and it is a more Sensible pleasure to me, to Observe the Great Prudence and Caution wherewith you seem desirous to proceed.

As to the Dissent to the Act prescribing the form of Oath of Judge or Justice, I apprehend, that the words thereof are thought liable to Ambiguous Construction and that the import of them may be carried farther than the real Useage and Constitution of this Province

The Lord Proprietary in great Tenderness to this Province transmitted such form of Oath, as by mature Advice, he thought would Answer Your Just desires; if you have any reasonable Objections thereto, It were I think, proper, to represent them in a Dutiful manner To His Lordship.

I send you herewith some reasons offered against the late Tobacco Law which I presume will lead into the Causes of that Dissent, besides the Infringement that Law was thought to make on the Establishment of the Clergy in this Province

I send you also the Case Stated in Relation to the Attorneys Law with his Majestys Attorney and Sollicitor General's Opinions thereon which I suppose were the Grounds of the Dissent to that Law.

The Law for the Division of Parishes in S^t Marys and Charles Countys received a Dissent as not agreeable to the Laws and Useage p. 13 of England, which never deprive a present Incumbent without his own Consent, of any profits of the Parish, whereunto he was Inducted.

Against the Supplementary Act to the Act for Establishing Religious Worship &c that Clause thereof, whereby the Incumbent

U. H. J. of a Parish was made lyable to the same Penaltys for non Attendance as a Vestryman as other Vestrymen are was Objected unto, as Subjecting the Minister too much to the power of the Vestry

I hope these Observations will give you some light into what you desire, and induce you to avoid the like Objections for the future, that We may not make Laws that may prove ineffectual

Benedict Leonard Calvert

Read the Petition of Thomas Worsley a Languishing Prisoner in Ann Arrundell County Goal and referred to the Consideration of the Lower House of Assembly, Sent to the Lower House by John Hall Esq^r

Adjourned till to Morrow Morning nine of the Clock

May 27

Wednesday morning 27th May 1730.

This House met again according to Adjournment

Present as Yesterday

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

Philemon Lloyd Esq^r from the Committee of both Houses produces to this House heads of a Tobacco Bill

At a Committee of both Houses of Assembly met at M^{rs} Jordans May 26th 1730 to consider of a Tobacco Law Present

The Hon^{ble} { Philemon Lloyd Esq^r
Richard Tilghman Esq^r
and Philip Lee Esq^r } Of the Upper House

Coll^o Greenfield Mr Jennings
Mr Dulany Mr Samuel Hanson
Major Harris Mr Key } Of the Lower House

p. 14 The Committee chose The Honourable Philemon Lloyd Esq^r Chairman and Richard Lewis Clerk

Your Committee having taken into Consideration The heads of a Bill for restraining people from making too great a quantity of Tobacco, and being of Opinion that unless the quantity hereafter to be made be very considerably reduced below what hath been made for Several Years past All other Provisions will in all Probability be ineffectual Your Committee therefore Submit to the Consideration

of both Houses whether it may not be necessary to Reduce the U. H. J. Quantity of Tobacco Plants as follows

	Plants
All Taxables employed in making Tobacco to tend only	5000
All Persons who are exempt from paying Levy and not having more than One Taxable	} 7000
The Male Children of Poor people between the Ages of 12 & 16	
	} 2500
White Women allowed by the former Act to tend Tob ^o	
	2500
All persons having more than One Taxable and not more than 4 shall be allowed to tend Tobacco with each Male child from 14 to 16. and all their Male Servants or Slaves	} 2500

No Person having 5 Taxables who work without Doors shall be allowed any Number of Plants for himself or any of his Children under 16 years of Age or for any Servant whether hired or otherwise or for any Slave under the same Age

Provision shall be made to prevent the hireing out of half Taxables in Order to Evade the Law.

That Tradesmen be restrained as they were intended to be by the Supplementary Bill prepared by the Lower House last Session

That payments in Tobacco now Setled and Stated by Laws in force be reduced in proportion to the Quantity that Tobacco will be lessened by the proposed Restrictions as near as may be which your Committee presume will be a fourth part

That an Equivalent be paid in Grain at Stated Prices Except The allowances to the Members of both Houses of Assembly, Judges or Justices in the several Courts of Judicature and fees and other Allowances chargeable in the publick or County Levies of which one fourth part to be Deducted without any Equivalent

That the time be Limited for making such paym^{ts}

That no Execution shall Issue for more than the Quantity of Tobacco to be paid in Specie

That there be a time limited for shipping Tobacco wherein particular care shall be taken to give timely notice to prevent Traders Suffering thereby

That in order to prevent false packing the Laws now in force be altered and Jurisdiction given to a Single Magistrate

That all Concealers of false packed Tobacco be liable to the same p. 15 Penalty as false packers.

A Message from the Lower House by Coll^o Belt and M^r Sprigg with the Petition of John Aldridge of Prince Georges County thus Endorsed.

U. H. J. By the Lower House of Assembly 27th May 1730

May it please Your Honours

John Aldridge of Prince Georges County hath Petitioned this House to allow him in Mony for Four thousand and five hundred pounds of Tobacco at Twelve Shillings and six pence Current Money $\frac{7}{10}$ Cent, for a negro belonging to him Convicted last year for a Capital Crime, and this House having Granted the said Petition desireth Your Honours Concurrence

Signed $\frac{7}{10}$ Order M : Macnemara Cl : Lo : Ho.

Whereunto the following Answer being prepared is sent to the Lower House by Coll^o Rider

By the Upper House of Assembly 27th May 1730

Gentlemen

This House doth agree to the Allowance of Twelve Shillings and Six pence Currency $\frac{7}{10}$ Cent for the Value of the Negroe of M^r Aldridge as proposed by your Message of this Afternoon by Coll^o Belt and M^r Sprigg.

Signed $\frac{7}{10}$ Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Nine of the Clock.

May 28 Thursday Morning 28th May 1730.

This House met again according to Adjournment.

Present as Yesterday with the Addition of John Rousby Esq^r

A Message from the Lower House by Coll^o Greenfield & M^r Dulany

By the Lower House of Assembly May the 28th 1730

May it Please Your Honours.

This House having taken into Consideration the heads of a Bill for a Tobacco Law prepared by the Committee of both houses Hath made some Alterations therein in the following particulars Viz. That all Taxables employed in making Tobacco to be Allowed to
 p. 16 Tend 6000 Plants, all Male or Female House keepers having but One Taxable for him or herself For such Taxable 7000 Male Children of Poor people from 12 to 16. 3000 All White Women allowed by the former Act to Tend Tobacco 3000. All persons having more than One Taxable and not more than four to tend with each Male Child and each Servant or Slave from 13 to 16. 3000. All persons having 5 Taxables or more who work without doors not to be allowed any Tobacco for themselves or their Children under 16 Years of Age but to be allowed for Servants or Slaves between 13 and 16. With which alterations We desire Your Concurrence and that You'll ap-

point the same Members who were of the former Committee or U. H. J. some other Members of Your House, to Join with some of this House to prepare and bring in a Bill accordingly

Signed p Order M. Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment. Present as in the Morning

Two Bills from the Lower House by M^r George and M^r Taylor the one Entituled an Act for the laying out of Land and Erecting a Town at a place called Broxens point in Cecil County, the other Entituled An Act altering the bounds of Two Acres of Land heretofore granted to Great Choptank Parish, on which the Chappel in Vienna now Stands Severally thus Endorsed

vide 25
Archives
528 (Council
Proceedings
of May 8
and 23).

By the Lower house of Assembly 26th May 1730.

Read the first time and Ordered to lye on the Table.

Signed p Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 28th May 1730.

Read the second time and will Pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table.

A Bill from the Lower House by M^r Hollyday and M^r Hemsly Entituled an Act to Enable the High Court of Appeals to continue an Appeal therein depending between Edward Fotterel and Ann his Wife late Ann Lloyd Appellants and David Robinson and Judith his Wife, John Robinson and Grace his Wife and Rebecca Tibbles Defendants thus Endorsed.

By the Lower House of Assembly 28th May 1730

p. 17

Read a first and second time and will Pass

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

The following Message being prepared is sent to the Lower House by Philemon Lloyd Esq^r

By the Upper House of Assembly 28th May 1730.

Gentlemen

Upon Consideration of Your Message of this Day by Coll^o Greenfield and M^r Dulany, We are of Opinion that the Introduction of

U. H. J. young Servants or Slaves from Thirteen to Sixteen years of Age into the number of Tobacco makers will greatly Increase the Quantity thereof, which is designed to be Restricted by the Committees however to shew our good Inclinations towards the making a Beneficial Tobacco Law, which at this time the Calamitous Circumstances of the country makes absolutely necessary. We shall not disagree with you in the Alterations made by your House Provided the Members of the former Committee or any other of Your House have it in Charge to propose a Sufficient Satisfaction to the Lord Proprietary for such Deficiency in the Quantity of Tobacco as shall be found to Arise from the Execution of the proposed Tobacco bill; Upon which Terms We shall appoint the same persons as were of the former Committee to Join the Members of Your House for the preparing and bringing in a Bill accordingly.

Signed p Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Eight of the Clock

May 29

Friday Morning 29th May 1730.

This House met again according to Adjournment.

Present as yesterday.

A Message from the Lower House by Coll^o Greenfield & M^r Sam^l Hanson

By the Lower House of Assembly May the 29th 1730

May it please Yo^r Honours.

In answer to Your Message of the 28th Instant by Philemon Lloyd Esq^r This House hath appointed the same Gentlemen that were of the former Committee to Join the Members of your House to prepare and bring in a Tobacco bill, and given them in charge to propose an Equivalent to the Lord Proprietary for the Deficiency that shall be Occasioned by the Execution thereof.

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the petition of the Vestry and Majority of the Parishioners of St Pauls Parish in Baltemore County and referred to the consideration of the Lower House of Assembly.

Read the Petition of John Nicholson and James Mackintosh Prisoners in Ann Arrundel County Goal and Ordered to be severally thus Endorsed

By the Upper House of Assembly 29th May 1730

Read and Referred to the consideration of the Lower House of Assembly and that the sheriff have the preference of the Prisoners

Effects towards payment of his Imprisonment fees and the remainder U. H. J. of the Effects to be divided among his several Creditors for payment of their Debts.

Signed ꝑ Order John Ross Cl. Up. Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning.

A Bill from the Lower House by M^r Warfeild and M^r Worthington Entituled an Act to Inroll and Record an Indenture between Matthias Van Bebber of the One part and Thomas Bordley Esq^r of the other part thus Endorsed.

By the Lower house of Assembly 29th May 1730

Read the first time & Ordered to lye on the Table

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 29th May 1730

Read the second time by an Especial order and will pass.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table

Adjourned till to Morrow Morning Nine of the Clock

Saturday Morning 30th May 1730

May 30

This House met again [according] to Adjournment

Present as Yesterday

Read the Petition of Thomas Howard a Languishing Prisoner in Ann Arrundell County Goal and referred to the Consideration of the Lower House of Assembly and sent to the Lower House by Coll^o Rider.

Read the Petition of Charles Slye and Recommended to the consideration of the Lower house of Assembly.

Adjourned till two of the Clock in the Afternoon

p. 19

Eodem Die Post Meridiem

This House met again According to Adjournment.

Present as in the Morning Except Coll^o Holland Coll^o Ward and Philip Lee Esq^r

Adjourned till Monday Morning Nine of the Clock.

U. H. J.
June 1

Monday Morning 1st June 1730.

This House met again according to Adjournment.

Present

The hon ^{ble}	{	Charles Calvert Esq ^r	John Rousby Esq ^r
		John Hall Esq ^r	Benjamin Tasker Esq ^r
		Philemon Lloyd Esq ^r	Coll ^o John Rider
		Coll ^o Rich ^d Tilghman	

Members of the Upper House

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment.

Present as in the morning with the Addition of Coll^o William Holland

The Petition of Charles Slye Read on Saturday last is carried to the Lower House by Benjamin Tasker Esq^r

Adjourned till to Morrow Morning Nine of the Clock.

June 2

Tuesday Morning 2^d June 1730

This House met again According to Adjournment.

Present as yesterday with the Addition of Coll^o Ward.

Read the Petition of the Rector Vestrymen and Church Wardens of St Pauls parish in Prince Georges County & Rejected.

Read the Petition of Katherine Reynolds a Languishing Prisoner in Ann Arrundel County Goal and Rejected.

Read the Petition of Zachariah Maccubbin High Sheriff of Ann Arrundell County and Recommended to the Consideration of the Lower House of Assembly

Sent to the Lower House by Coll^o Ward

A Bill from the Lower House by M^r Tolley and M^r Hamilton Entituled an Act to Adjourn Baltemore County Court and for the Continuance of the Suits process and proceedings therein thus Endorsed

By the Lower House of Assembly 1st June 1730

Read the first and second time by an Especial Order & will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

p. 20 Read the first time in this House and Ordered to lye on the Table
A Bill from the Lower House by M^r George and four more Entituled an Act to make and Emit Twenty four Thousand pounds in Bills of Credit thus Endorsed

By the Lower House of Assembly 30th May 1730

U. H. J.

Read the first time and Ordered to lye on the Table

Signed p Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 2^d June 1730

Read the second time and will pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Philip Lee Esq^r

A Bill from the Lower House by M^r Waughop and M^r Young
Entituled An Act for cutting off the Entail & Investing an Estate of
Inheritance in ffee Simple of a Tract of Land called Exeter in Henry
Wharton of S^t Marys County Gent and his Wife and to Entail other
Lands lying in S^t Marys County in Lieu thereof thus Endorsed

By the Lower House of Assembly 2^d June 1730

Read the first and second time by an Especial Order & will Pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Wilson and M^r Blackistone
Entituled an Act for the Naturalization of John Hendrickson a
Native of Rotterdam in Holland now an Inhabitant of Kent County
in Maryland and John Samuel Rachel Mary Mildred Margaret
Martha Rebecca Hannah & Ruth children of the aforesaid John
Hendrickson thus endorsed.

By the Lower House of Assembly 1st June 1730

Read the first time and Ordered to lye on the Table.

Signed p Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 2^d June 1730

Read the second time and will Pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

The two Bills aforesaid being read the first time in this House are p. 21
Ordered to lye on the Table.

Adjourned till to Morrow Morning Nine of the Clock.

U. H. J.
June 3

Wednesday Morning 3^d June 1730.

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Cap^t Gordon and M^r Chamberlin Entituled an Act to Record a Deed of Bargain and Sale made by Thomas Humphreys Esq^r and Mary his Wife to John Gresham Esq^r thus Endorsed.

By the Lower House of Assembly 3^d June 1730

Read the first & Second time by an Especial Order & will Pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

The said Bill being read in this House is Ordered to be thus Endorsed

By the Upper House of Assembly 3rd June 1730

Read the first & second time by an Especial Order and will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by John Rousby Esq^r

Read the petition of William Gray a prisoner in Prince Georges County Goal and referred to the Consideration of the Lower House of Assembly.

Sent to the Lower House by Coll^o Rider.

Read the Bill Entituled an Act for the Naturalization of John Hendrickson native of Rotterdam in Holland now an Inhabitant of Kent County in Maryland and John Samuel Rachel Mary Mildred Martha Rebecca Hannah and Ruth Children of the aforesaid John Hendrickson and Ordered to be thus Endorsed

By the Upper House of Assembly 3^d June 1730

Read a Second time and will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Benjamin Tasker Esq^r

Read the Bill Entituled An Act to Adjourn Baltemore County Court and for the Continuance of the Suits process and proceedings therein and Ordered to be thus Endorsed

By the Upper House of Assembly 3^d June 1730

Read a Second time and will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Ward.

U. H. J.
p. 22

Read the Bill Entitled an Act altering the Bounds of Two Acres of Land heretofore Granted to Great Choptank Parish on which the Chappel in Vienna now stands and Ordered to be thus Endorsed.

By the Upper House of Assembly 3^d June 1730

Read a Second time and will Pass with the following Amendment Viz. that the Vestrymen be under the Penalty of five hundred Pounds of Tobacco each for nonperformance of running the Line and Affixing the Cedar Posts at each corner and entring the same on Record within Six months from the commencement of this Act to be recovered in any Court of Record within this Province by any Person or Persons that will Sue for the same by Action of Debt Bill Plaint or Information wherein no Essoyn Protection or Wager of Law to be Allowed

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Tilghman

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournm^t

Present as in the Morning Except Benjamin Tasker, Esq^r

Read the petitions of Anthony Oneallis and Thomas Davis Prisoners in Prince Georges County Goal and Ordered to be Severally thus Endorsed

By the Upper House of Assembly 3^d June 1730.

Read and referred to the Consideration of the Lower House of Assembly and that the Sheriff have the preference of the prisoners Effects towards payment of his Imprisonment fees and the Remainder of the Effects to be Divided among his several Creditors for payment of their Debts.

Signed p Order John Ross Cl. Up. Ho.

Read the Petition of James Peerman Prisoner in Ann Arundel County Goal and referred to the Consideration of the Lower House of Assembly.

The above Petitions are sent to the Lower House by Coll^o Tilghman.

Read the Bill Entituled an Act to Enable the High Court of Appeals to Continue an Appeal therein depending between Edward Fotterell and Ann his wife late Ann Lloyd Appellant and David

U. H. J. Robinson and Judith his wife, John Robinson and Grace his Wife
and Rebecca Tibles Defendants and Ordered to be thus Endorsed

By the Upper House of Assembly 3^d June 1730

Read a Second time and will Pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower House by Philemon Lloyd Esq^r

p. 23 Read the Bill Entituled An Act for the laying out of Land and
Erecting a Town at a place called Broxens point in Cecil County and
Ordered to be thus Endorsed

By the Upper house of Assembly 3^d June 1730

Read the second time and will pass there being a Clause inserted
reserving to the Right Honourable The Lord Proprietary One penny
ꝑ Annum currant money for each respective Lott laid out and im-
proved upon within the said Town, and that the Clerk of the Town
transmitt to his Lordships Agent for the time being an Account of
all the Lotts taken up pursuant to the Directions of this Act.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower House by John Hall Esq^r

Adjourned till to Morrow Morning Eight of the Clock

June 4

Thursday Morning 4th June 1730.

This House met again According to Adjournment.

Present as Yesterday

A Bill from the Lower House by Coll^o Gale and Two more
Entituled an Act to Ascertain the fees of the practitioners of the
Law within this Province and to prevent Extortions Frauds and
Abuses therein thus Endorsed.

By the Lower House of Assembly 1st June 1730.

Read the first time and ordered to lye on the Table.

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly June [4] 1730.

Read the second time & will Pass

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table.

The following Message being prepared is sent to the Lower House
by Coll^o Rider

By the Upper House of Assembly 4th June 1730

U. H. J.

Gentlemen

M^r Denton having Acquainted this House that there has been some Corruption committed by an Under Clerk of his during his Writing in the Commissary and Secretarys Offices and there may be an Inspection made into the State of them this House hath nominated John Rousby and Benjamin Tasker Esq^r and desire that you'll appoint some Members of Your House to Join them in order for such Inspection

Signed ꝑ Order John Ross Cl. Up. Ho.

Read the first time the Bill Entituled an Act to make and Emit p. 24
Twenty four Thousand pounds in Bills of Credit and Ordered to lye
on the Table

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again According to Adjournment

Present as in the Morning

A Bill from the Lower House by Coll^o Greenfield and Eleven more
Entituled An Act for Improving the Staple of Tobacco & for continuing part of an Act Ascertainning the Gauge and Tare of Tobacco hogsheads and to prevent cropping cutting and defacing Tobacco taken on board Ships or Vessels upon ffreight and for laying Impositions on Tobacco by the Hogshead for the Support of Government and for the Encouraging Settlements in this Province by Ascertainning the manner of paying his Lordships Alienation fines and quit Rents for the Term therein proposed and for the taking off the three pence ꝑ Hogshead formerly raised for the Publick Charge thus Endorsed

By the Lower House of Assembly 3^d June 1730

Read the first time and Ordered to lye on the Table

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 4th June 1730

Read and will Pass

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

A Message from the Lower House by M^r Beale & M^r King

By the Lower House of Assembly June the 4th 1730

May it Please Your Honours

In answer to your Message of this Day by Coll^o Rider this House hath appointed M^r Samuel Hanson M^r John Beale M^r William

U. H. J. Hemsley and Major Robert King to Join the Members appointed by Your House to make an Inspection into the Writing in the Commissarys and Secretarys Offices during the time M^r Vachel Denton hath wrote in them

Signed ꝑ Order M: Macnemara Cl: Lo. Ho.

Read the Petition of Edmond Jennings Esq^r and Granted

Whereas there is a Deed lyes before this House Endorsed in the words following, Viz.

March the 27th 1725

p. 25 Then the within Deed and Acknowledgement were Inrolled in the Provincial Court Land Records of Maryland Viz^t Lib. P. LL. N^o 6 Fol: 58 ꝑ Vachel Denton Cl: and it appearing to this House that the said Deed is not Recorded and that M^r Denton Clerk of the Secretarys Office having made Oath before this House that a Certain William Beckingham whilst he Acted as Under Clerk in the said Office had made the aforesaid Endorsement in his name and being guilty of other Malefeazances, it is Resolved that John Lusby be appointed Serjeant at Arms for this purpose to take into Custody the Body of the said Beckingham and bring him before this House immediately which Order Issued in the Words following

By the Upper House of Assembly 4th June 1730

You are hereby appointed and Empowered as Serjeant at Arms attending this House to take into Your Custody the Body of William Beckingham of Talbot County and him safe keep, so that [you] have his Body before this House with all Convenient speed to Answer unto such matters and things as shall be then and there Objected against him, and all Magistrates and Others are hereby required to be Aiding and Assisting you in the due Execution of this Order, hereof fail not at Your Peril

Signed ꝑ Order John Ross Cl: Up: Ho:
To M^r John Lusby.

Adjourned till to Morrow Morning Eight of the Clock

June 5

Friday Morning 5th June 1730.

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by M^r Johnson and M^r George Entituled an Act to Confirm two Deeds of Sale the one from George Oldfield and Petronella his wife and the other from Richard Carr Son and Heir at Law to a certain John Carr of Cecil County Deced to Casparus Augustine Herman thus Endorsed.

By the Lower House of Assembly June the 5th 1730.

U. H. J.

Read the first & second time by an Especial Order & will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the first time in this House the Bill Entituled an Act for Improving the Staple of Tobacco and for continuing part of An Act Ascertainig the Gauge and Tare of Tobacco Hogsheads &c and Ordered to lye on the Table.

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Coll^o Greenfield and Twenty three more Entituled An Act for Ascertain^s the form of the Oath of Judge p. 26 or Justice thus Endorsed

By the Lower House of Assembly June the 5th 1730

Read the first & Second time by an Especial Order & will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the Petition of Richard Bennett Esq^r of Queen Anns County and referred to the Consideration of the Lower House of Assembly. Sent to the Lower House by Philip Lee Esq^r

Read the Bill Entituled An Act to Confirm Two Deeds of Sale the One from George Oldfeild & Petronella his Wife and the other from Richard Carr Son and Heir at Law to a Certain John Carr of Cecil County Dece'd to Casparus Augustine Herman and Ordered to be thus Endorsed

By the Upper House of Assembly 5th June 1730.

Read the first & Second time by an Especial Order & will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Benjamin Tasker Esq^r

A Message from the Lower House by M^r King and three more

By the Lower House of Assembly June the 5th 1730.

May it please Your Honours.

The people of Pensilvania having Obtained liberty to Import Salt from Europe into that Province and it appearing by the Votes of the House of Commons of the 9th of April last that a Bill past there to grant the like liberty to the people of New York This House con-

U. H. J. ceived there may be as good Reasons given for granting the same Advantage to the People of this Province as to any of their neighbours And that it would be very beneficial to them. This House therefore desires Your Honours will join in making a proper Application to Obtain the Liberty of Importing Salt from Europe into this Province

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Waughop and M^r Young Entituled a Supplementary Act to the Act Entituled An Act for the laying out Land & Erecting a Town in S^t Mary's County at a place formerly called Seymour Town thus Endorsed.

By the Lower House of Assembly June the 5th 1730.

p. 27 Read the first & second time by an Especial Order & will Pass.

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

The following Message being prepared is sent to the Lower House by John Rousby Esq^r

By the Upper House of Assembly June the 5th 1730

Gentlemen

In answer to the Message from Your House by M^r King and three more setting forth the advantages this Province may probably receive by a Liberty Granted by Act of Parliament for Importation of Salt from Europe, this House hath appointed Philip Lee Esq^r and Coll^o Rider to Join such Members as shall be nominated by Your House to Consider of Proper Expedients to Effect the same

Signed ꝑ Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Nine of the Clock

June 6

Saturday Morning 6th June 1730

This House met again according to Adjournment

Present as yesterday Except Coll^o Tilghman

Read the first time the Bill Entituled an Act Ascertainning the form of the Oath of Judge or Justice & Ordered to lye on the Table.

Read the first time the supplementary Act to the Act Entituled an Act for the laying out of Land and Erecting a Town in S^t Marys County at a place formerly called Seymour Town and Ordered to lye on the Table.

A Bill from the Lower House by M^r Warfeild and M^r Worthington Entituled an Act for the Releif of James Peerman a Prisoner in Ann Arrundell County Goal thus Endorsed.

By the Lower House of Assembly 6th June 1730

U. H. J.

Read the first & Second time by an Especial Order & will Pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table.

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment.

Present as in the Morning Except Coll^o Holland and Coll^o
Tilghman

Read a Second time the Bill Entituled an Act for the Relief of James Peerman a Prisoner in Ann Arrundel County Goal and Ordered to be thus Endorsed

p. 28

By the Upper House of Assembly 6th June 1730

Read a Second time and will Pass.

Signed ꝑ Order John Ross Cl: Up: Ho:

Read a second time the Supplementary Act to the Act Entituled an Act for the laying out of Land and Erecting a Town in S^t Marys County at a Place formerly called Seymour Town and Ordered to be thus Endorsed

By the Upper House of Assembly 6th June 1730

Read a Second time, and will Pass; there being a Clause inserted reserving to the Right Honourable the Lord Proprietary, One penny ꝑ Annum Current Money, for each respective Lott laid Out and improved upon within the said Town, and that the Clerk of the Town Transmit to his Lordships Agent for the time being, An Account of all the Lotts taken up, Pursuant to the Directions of this Act

Signed ꝑ Order John Ross Cl. Up. Ho.

Adjourned till Monday Morning Nine of the Clock

Monday Morning 8th June 1730.

June 8

This House met again according to Adjournment

Present

The Hon ^{ble}	{	Charles Calvert Esq ^r	John Rousby Esq ^r
		John Hall Esq ^r	Benj. Tasker Esq ^r
		Philemon Lloyd Esq ^r	Philip Lee Esq ^r
		Coll ^o Tilghman	Coll ^o Rider
		Coll ^o Ward	

Members of the Upper House

U. H. J. The Bill for the Relief of James Peerman a Prisoner in Ann Arrundell County Goal and the Supplementary Act to the Act Entituled An Act for the laying out of Land and Erecting a Town in S^t Marys County at a place formerly called Seymour Town Read on Saturday last are Carried to the Lower House by Coll^o Ward.

A Bill from the Lower House by M^r Crab & M^r Herman Entituled a Supplementary Bill to the Act for the Advancement of Justice thus Endorsed.

By the Lower House of Assembly 6th June 1730

Read the first time and Ordered to lye on the Table.

Signed p Order M : Macnemara Cl. Lo. Ho.

p. 29 By the Lower House of Assembly 8th June 1730

Read the second time and will Pass

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table.

A Bill from the Lower House by M^r George and M^r Chamberlain Entituled an Explanatory Act of the Act for the Directions of Sheriffs in their Offices and restraining their ill Practices within this Province thus Endorsed

By the Lower House of Assembly 6th June 1730.

Read the first time and Ordered to lye on the Table.

Signed p Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 8th June 1730.

Read the Second time and will Pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table.

A Message from the Lower House by M^r Waughop and M^r Young with the Bill Entituled a Supplementary Act to the Act Entituled An Act for the laying out of Land and Erecting a Town in S^t Marys County at a Place called Seymour Town

By the Lower House of Assembly June the 8th 1730.

May it Please Your Honours.

This House having taken into Consideration the Amendment proposed by Your House to the Bill Entituled a Supplementary Act to the Act for the laying out of Land and Erecting a Town in S^t Marys County at a place called Seymour Town is of Opinion that it is needless and unreasonable that the persons taking up any of the

Lots should be burthened with the payment of any Sum Especially U. H. J. as there is at present an Agreem^t between the Lord Proprietary and the People of Maryland concerning the Quit Rents and when that shall Cease His Lordship will be Entitled to the Annual Sum mentioned in the Grant of that Land according to the Tenor thereof, Therefore desires Your Honours to Pass the Bill as it was first Sent up to Your Honours by this House.

Signed p Order M: Macnemara Cl. Lo. Ho.

The following Message being prepared is Sent to the Lower House p. 30 by Coll^o Tilghman

By the Upper House of Assembly 8th June 1730.

Gentlemen

Upon reading the Bill for Improving the Staple of Tobacco &c. This House are of Opinion that some Amendments are wanting therein, and that a Conference between some Members of both Houses be appointed for Expediting the same with which We desire the Concurrence of Your House

Signed p Order John Ross Cl. Up. Ho.

A Message from the Lower House by M^r Key & M^r Hanson.

By the Lower House of Assembly June the 8th 1730.

May it please Yo^r Honours

This House agreeth with Your Honours proposals for a Conference in Relation to the Bill for Improving the Staple of Tobacco &c and for that End hath appointed Coll^o Greenfield Daniel Dulany Esq^r Edmond Jennings Esq^r Major Harris M^r Philip Key & M^r Samuel Hanson imediately to Join such members as you shall appoint

Signed p Order M: Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Beale and M^r Warfield Entituled an Act to cut of An Entail of a Tract of Land called Marshes Seat lying in Ann Arrundel County and to Invest William Vernon with an Estate in Fee simple in the said Tract of Land and to Settle a Parcel of Land being Part of Three Tracts of Land called Happy Choice, Clarks Groves and the Addition to Clarks Groves lying in Prince Georges County on Tho^s Knighton and the Heirs of His Body in Lieu thereof thus Endorsed.

By the Lower House of Assembly 8th June 1730.

Read the first & second time by an Especial Order and will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

U. H. J. Read the first time in this House & Ordered to lye on the Table
A Message from the Lower House by Cap^t Gordon and Major
Hanson

By the Lower House of Assembly June the 8th 1730
May it Please Yo^r Honours

On the Report of the Gentlemen Appointed by this House, to
Agree with a Workman to build a Separate Repository for the
Records. That M^r Edward Coyle is willing to compleat the same
according to the Dimensions agreed too by both Houses for One
p. 31 Hundred and five Pounds Currant money This House is willing to
allow the same and desireth Your Honours Concurrence

Signed p Order M: Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment.

Present as in the Morning, with the Addition of Coll^o Holland.

The following Message being prepared is Sent to the Lower House
by Philemon Lloyd Esq^r

By the Upper House of Assembly 8th June 1730
Gentlemen

In Answer to your Message by M^r Key and M^r Hanson this House
hath appointed Philemon Lloyd Esq^r Coll^o Richard Tilghman and
Philip Lee Esq^{rs} to Join the Members nominated by Your House in
a Conference relating to the Subject matter of the said Message who
will be ready to attend Imediately.

Signed p Order John Ross Cl. Up. Ho.

The following Message being prepared is sent to the Lower House
by John Hall Esq^r

By the Upper House of Assembly 8th June 1730.
Gentlemen

On reading and Considering Your Message of this Day by M^r
Waughop and M^r Young relating to the Supplementary Bill to the
Act for laying out of Land and Erecting a Town in S^t Marys County
at a place called Seymour Town, We find that you think it unneces-
sary and unreasonable that any Reserve of Rent should be made to
His Lordship for each Lott laid out and improv'd in the said Town
But we are in hopes Your House will be of another Opinion when
We inform you that by the Amendments We proposed to that Bill

We did not intend that the takers up and Improvers of the Lotts in U. H. J. that Town should be liable to pay the Annual Rent proposed during the Continuance of the Agreement between his Lordship and the Country relating to the Rents & Alienations but that it should be only reserved to be Annually paid after that Agreement ceased, As p. 32 to Yo^r Observation that His Lordship will be then Entitled to His Rents according to the Tenor of the Original Grant We Answer that when the Streets and Lanes for Publick uses are laid out the Lots will not contain near an Acre of Ground and every Lott perhaps Ownd by different Persons so that the Rent Due according to the Original Grant will Consist of such a fraction as cannot well be collected by his Lordships Rec^r neither will any person be chargeable for the Rent of the Land contain'd in the streets or set apart for publick Uses which will be a Loss to His Lordship these things being considered We doubt not but you will think it reasonable that the aforesaid Rent of One Penny p Lott should be reserv'd to His Lordship as well in this Town as in the City of Annapolis and Port of Oxford.

Signed p Order John Ross Cl. Up. Ho.

Adjourned till to morrow Morning Eight of the Clock.

Tuesday Morning 9th June 1730

June 9

This House met again According to Adjournment

Present as Yesterday

Philemon Lloyd Esq^r from the Conferees of both Houses makes the Report thereof as follows

8th June 1730.

We the Conferees appointed by both Houses to Confer concerning Amendments proposed to be made to the Tobacco bill now depending Have taken under Our Consideration some Provision to be made to supply the Deficiencys (if any should happen) in the manner and funds already appropriated by the said Tobacco bill as an Equivalent for His Lordships Quit Rents, Alienation fines and Support of Government And do think it Just and reasonable that some such Provision should be made And We humbly propose to the Consideration of both Houses that such Provision should be raised out of the Monys arising by the Impositions for defraying the Publick Charges of this Province and now in the hands of the Publick Treasurers of this Province

Signed p Order Rich^d Lewis Cl: Conferees

A Bill from the Lower House by M^r Harris and M^r Kennard p. 33 Entitled An Act for Laying out the Town a new commonly called

U. H. J. Chester Town in Kent County and for Ascertaining the bounds thereof thus Endorsed

By the Lower House of Assembly 8th June 1730.

Read the first time and Ordered to lye on the Table

Signed p Order M: Macnemara Cl. Lo. Ho.

By the Lower House of Assembly, 9th June 1730

Read the second time in this House & will Pass.

Signed p Order M: Macnemara Cl: Lo. Ho.

Read the first time in this House & Ordered to lye on the Table

A Bill from the Lower House by Major Turbutt and Mr Thompson Entituled An Act for the Relief of Thomas Worsley Benjamin Freeman John Vines John Cornelius Thomas Howard Thomas Jacks John Nicholson and James Mackintosh Prisoners in Ann Arrundell County Goal Thomas Palmer a languishing Prisoner in the Goal of the City of Annapolis William Gray Tho^s Davis John Smith and Anthony Oneallis Languishing prisoners in Prince Georges County Goal and John Libbie and Alice Macklin Prisoners in Talbot County Goal thus Endorsed

By the Lower House of Assembly 9th June 1730

Read the first & Second time by an Especial Order & will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the Second time the Bill Entituled an Act Ascertaining the form of the Oath of Judge or Justice and Ordered to be thus Endorsed.

By the Upper House of Assembly 9th June 1730

Read the second time and will pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Holland and three more

Read the second time An Act for Improving the Staple of Tobacco &c And Ordered to be thus Endorsed

By the Upper House of Assembly 9th June 1730

Read the Second time and will Pass

Signed p Order John Ross Cl: Up: Ho.

Sent to the Lower House by Coll^o Holland and three more

U. H. J.

Read the second time An Act for Improving the Staple of Tobacco
&c And Ordered to be thus Endorsed.

By the Upper House of Assembly 9th June 1730

Read the second time and with the Amendments proposed in a
Message herewith Sent will Pass

P. 34

Signed p Order John Ross Cl. Up. Ho.

Amendments proposed to the Tobacco Bill

By the Upper House of Assembly 9th June 1730.

P: 2. L2. the Word *Eight* to be made *Ten*

P. 2. L 2. Between the Words *Crows* and *shall* the Words the
bounty upon Hemp to be inserted

P. 23 L. 6 After the Word House the following Words to be
added or in Case the Minister do not reside in the Parish then at such
other convenient place in the Parish as shall be Appointed by the
Minister and Vestry.

Last Paragraph first line Pa. 23 between the Words fourth and of
the word part be inserted and in the last line of the aforesaid para-
graph, the words shall be Deducted Struck out, and the words may
be paid and discharged in Grain as aforesaid in manner aforesaid
be inserted

P. 30 L. 9 Between the words two and any the following words
be inserted And in case the aforesaid fund should fall short of mak-
ing good the Sum of four thousand two hundred Eighty three pounds
and Eight shillings Sterling aforesaid that then the said Deficiency
be made good to his Lordship out of the Moneys ariseing by the
Impositions for Defraying the Publick Charges of this Province.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Philemon Lloyd Esq^r & two more

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the first time in this House the Bill Entituled An Act for the
Relief of Thomas Worsley Benjamin Freeman & other Prisoners.
&c And Ordered to lye on the Table.

A Message from the Lower House by Coll^o Greenfeild and five
more with the Tobacco bill thus Endorsed.

U. H. J. By the Lower House of Assembly 9th June 1730

This House hath Agreed to the Several Amendments proposed by Yo^r Honours to this Bill and inserted them in the Bill accordingly and propose an Amendment herewith sent to be Added in Page 23 at the End of which Amendment being added the Bill will Pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

An Amendment proposed to the Tobacco bill.

p. 35 By the Lower House of Assembly June the 9th 1730

And Whereas the People called Quakers make a Scruple of conscience to pay the Forty p Poll settled for supporting the Clergy of this Province which therefore hath always been Levied by way of Execution Be it therefore Enacted by the Authority aforesaid that the several Sheriffs of the Countys where any Quakers Reside shall and may by Virtue of this Act and their Office at any convenient time before the fifteenth day of March Yearly Levy by way of Execution on such Quakers the Grain appointed by this Act to be paid in lieu of One fourth part of the forty p poll and so much besides as shall bear the charge and Expence of carrying such Grain to such place or places as Grain payable by other People is Directed by this Act to be carried to And be it further Enacted that in Case the said Sheriffs or any of them shall not be able or shall be hindered from Levying such Grain as aforesaid that then and in such case the whole forty p Poll shall be Levied by way of Execution as it hath been Usually Levied And as if this Act had not been made Anything in this Act to the Contrary notwithstanding.

Signed p Order M : Macnemara Cl. Lo. Ho.

A Bill from the Lower House by Major King and M^r Hemsly Entituled an Act for the further Directions of the Sheriffs within this Province in their Collections this present year thus Endorsed

By the Lower House of Assembly 9th June 1730

Read the first & second time by an Especial Order & will Pass

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table

A Bill from the Lower House by Coll^o Herman and M^r Blackiston Entituled an Act to Record & make Valid in Law a Deed from John Watmore to a Certain William Dare the Father and Sale to be made of certain Lands therein mentioned by the surviving Executor of William Dare the Son thus Endorsed

By the Lower House of Assembly 9th June 1730

U. H. J.

Read the first and second time by an Especial Order and will Pass

Signed p Order M : Macnemara Cl : Lo : Ho :

Read the first time in this House & Ordered to lye on the Table

The following Message being prepared and Sent to the Lower p. 36
House by Philemon Lloyd Esq^r and two more

By the Upper House of Assembly 9th June 1730

Gentlemen

In Answer to your Indorsement of this day on the Back of the Bill
for Improving the Staple of Tobacco &c We cannot concur with
Your House in the Clause you propose to be Added to the Bill

Signed p Order John Ross Cl. Up. Ho.

Read a Second time the Bill Entituled an Explanatory Act of the
Act for the Direction of Sheriffs in their Offices and restraining their
ill Practices within this Province and Ordered to be thus Endorsed

By the Upper House of Assembly 9th June 1730

Read the second time and will not Pass

Signed p Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Eight of the Clock

Wednesday Morning 10th June 1730

June 10

This House Met again according to Adjournment

Present as yesterday

Read a second time the Bill Entituled An Act to cut off an Entail
of a Tract of Land called Marshes Seat lying in Ann Arrundel
County and to Invest William Vernon with an Estate in ffee Simple
in the said Tract of Land and to settle a Parcel of Land being part
of Three Tracts of Land called Happy Choice Clarks Groves and
the Addition to Clerks Groves lying in Prince Georges County on
Thomas Knighton and the Heirs of his body in lieu thereof and
Ordered to be thus Endorsed.

By the Upper House of Assembly 10th June 1730.

Read a Second time and will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Philemon Lloyd Esq^r

Read the Petition of Doctor Charles Carroll & Granted

U. H. J. Read the second time the Bill Entituled An Act to Inroll and
 p. 37 Record an Indenture between Matthias Van Bebber of the One part
 and Thomas Bordley Esq^r of the other part and Ordered to be thus
 Endorsed

By the Upper House of Assembly 10th June 1730
 Read the Second time and will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by John Hall Esq^r

Three Engrossed Bills from the Lower House by M^r Crabb and
 M^r Scott One Entituled An Act for Ascertain^s the form of the Oath
 of Judge or Justice Another An Act altering the bounds of Two
 Acres of Land heretofore Granted to Great Choptank Parish on
 which the Chappel in Vienna now stands And the other an Act to
 Enable the High Court of Appeals to Continue an Appeal therein
 Depending between Edward Fotterell and Ann his Wife late Ann
 Lloyd Appellants and David Robinson and Judith his Wife John
 Robinson and Grace his Wife and Rebecca Tibbles Defendants Sev-
 erally thus Subscribed

10th June 1730

Read and Assented to by the Lower House of Assembly

Signed p Order M: Macnemara Cl. Lo. Ho.

Three Engrossed Bills from the Lower House by M^r Turbutt and
 M^r Thompson One Entituled An Act for the Relief of James Peer-
 man a Prisoner in Ann Arrundell County Goal, the other Entituled
 A Supplementary Act to the Act Entituled An Act for the laying out
 of Land and Erecting a Town in S^t Marys County at a place formerly
 called Seymour Town, and the other Entituled An Act for the laying
 out of Land and Erecting a Town at a place called Broxens Point in
 Cecil County thus Subscribed

10th June 1730

Read and Assented to by the Lower House of Assembly

Signed p Order M: Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Hamilton and M^r Scott
 Entituled An Act for the Building a Church in Baltemore County
 and in a Town called Baltemore Town in S^t Paul's Parish thus
 Endorsed.

By the Lower House of Assembly, 10th June 1730.

p. 38 Read the first & Second time by an Especial Order & will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

U. H. J.

This House met again according to Adjournment

Present as in the Morning

Read an Original Bill Entituled a Supplementary Act to the Act Entituled An Act to limit the Continuance of Actions in Several Courts within this Province and Ascertainig the manner of taking the Evidence of Seafaring men and for Granting Appeals from the Chancery Court to the Governour and Council and Ordered to be thus Endorsed

By the Upper House of Assembly 10th June 1730

Read the first & Second time by an Especial Order & will Pass.

Signed ꝑ Order John Ross Cl: Up: Ho.

Sent to the Lower House by Coll^o Rider

A Bill from the Lower House by Major Hanson and M^r Edmondson Entituled a Supplementary Act to the Act Entituled An Act to Limit the Continuance of Actions in Several Courts within this Province and Ascertainig the manner of taking the Evidence of Seafaring Men and for Granting Appeals from the Chancery Court to the Governour and Council thus Endorsed.

By the Lower House of Assembly 10th June 1730

Read the first & Second time by an Especial Order & will Pass.

Signed ꝑ Order M: Macnemara Cl: Lo: Ho:

Which Bill being Read in this House is passed for Engrossing

Read the Bill Entituled An Act for the laying out the Town a new Commonly Called Chester Town in Kent County and for Ascertainig the Bounds thereof and Ordered to be thus Endorsed

By the Upper House of Assembly 10th June 1730

Read the second time & will Pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower House by Benjamin Tasker Esq^r

p. 39

The following Message being prepared is Sent to the Lower House by Philip Lee Esq^r

By the Upper House of Assembly 10th June 1730

Gentlemen

This House having Concurred with the Message of Your House in relation to the Importation of Salt from Europe and accordingly

U. H. J. appointed two members of the same to Joyn such Members as you should appoint think fit to remind you to Nominate some Members of your House to join in Consideration of the best expedients to Obtain the Liberty proposed least a Neglect thereof or defering the same to a further time should prove Prejudicial to the good People of this Province

Signed ꝑ Order John Ross Cl. Up. Ho.

The Bill Entituled An Act for the Building a Church in Baltemore County and in a Town called Baltemore Town in S^t Paul's parish being Read is Ordered to be thus Endorsed

By the Upper House of Assembly 10th June 1730

Read the first & Second time by an Especial Order & will Pass

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Ward.

An Engrossed Bill from the Lower House by M^r Harris and M^r Key Entituled An Act for Improving the Staple of Tobacco and for continuing part of an Act Ascertainning the Gauge and Tare of Tobacco Hogsheads and to prevent Cropping Cutting and Defacing Tobacco taken on board Ships or Vessells upon Freight and for laying Impositions on Tobacco ꝑ the Hogshead for the Support of Government and for Encouraging Settlements in this Province by Ascertainning the manner of paying his Lordships Alienation fines and Quit Rents for the Term therein proposed, and for taking off the Three pence ꝑ Hogshead formerly raised for the publick charge thus Subscribed

10th June 1730

Read and Assented to by the Lower House of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

An Engrossed bill from the Lower House by Cap^t Gordon Entituled An Act to Inroll and Record An Indenture between Matthias
p. 40 Vanbebber of the One part and Thomas Bordley Esq^r of the other part thus Subscribed

10th June 1730.

Read and Assented to by the Lower House of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read a Second time the Bill Entituled An Act for cutting off the Entail and Investing an Estate of Inheritance in Fee Simple of a Tract of Land called Exeter in Henry Wharton of S^t Marys County Gentleman and his Wife and to Entail other Lands lying in S^t Marys County in Lieu thereof, And Ordered to be thus Endorsed

By the Upper House of Assembly 10th June 1730

U. H. J.

Read the second time and with the Message herewith Sent will Pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Tilghman

Amendments proposed to the Bill in favour of Henry Wharton and his Wife

By the Upper House of Assembly 10th June 1730

Line 15th After the Words *Estate therein* to the end of the Bill be left out, and that the following Words be therein inserted Provided that the said Henry Wharton and Jane his Wife Do and shall within three Months after the End of this present Session of Assembly make & Execute Sufficient Deeds and Conveyances in Law with General Warranty for the Conveying and Setling three hundred and Sixteen Acres of the said Land called Notley Hall alias Mannahoick Neck beginning at the mouth of Bromley Creek and running up Wicomoco River for breadth thence for length Eastwardly the whole length of the Tract, then as the Eastermost Line of the said Tract runs Southwardly to the Land called Bromley thence with the Line or Lines of the said Bromley to Bromley Creek thence down the said Creek to the beginning to contain three hundred and Sixteen Acres to and in Justinian Jordan Sen^r and Edward Doynes as Trustees to Enure and be to the Use and Uses of such Person or Persons for such Estate and Estates as the aforesaid Tract of Land called Exeter is Devised to be by the Will of the said Joshua Doyne Saving to His Most Sacred Majesty His Heirs and Successors The Right Honour-
able the Lord Proprietary his Heirs and Successors and all Bodys Politick or Corporate and all others not mentioned in this Act their Several and respective Rights. p. 41

Signed ꝑ Order John Ross Cl. Up. Ho.

The Bill Entituled an Explanatory Act of the Act for the Directions of Sheriffs in their Offices & restraining their ill practices within this Province Read on the 9th Instant and did not Pass Carried to the Lower House by Philemon Lloyd Esq^r

Read the second time the Bill Entituled A Supplementary Act to the Act Entituled An Act for the Advancement of Justice and Ordered to be thus Endorsed.

By the Upper House of Assembly 10th June 1730.

Read a Second time and will Pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

U. H. J. Sent to the Lower House by John Hall Esq^r

Read a Second time the Bill Entituled An Act to make and Emit Twenty four thousand pounds Currant money of Maryland in Bills of Credit and for Easing the Inhabitants of this Province in the Payment of Debts and to raise a fund to sink the said Bills of Credit and Ordered to be thus Endorsed

By the Upper House of Assembly 10th June 1730.

Read the second time and will not Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Rider

The following Message being prepared is Sent to the Lower House by Philip Lee Esq^r

By the Upper House of Assembly 10th June 1730

Gentlemen

In Answer to Your Message of 8th Instant by Cap^t Gordon and M^r Hanson this House doth Concurr with Yours in the Allowance of One Hundred and five pounds Currant money to be paid M^r Edward Coyle upon his finishing the seperate Repository for the Records and
p. 42 desire Your House will appoint One or more Members to be Joyned with Benjamin Tasker Esq^r to Inspect the said Work from time to time in Order to its being well performed

Signed p Order John Ross Cl. Up. Ho.

A Bill from the Lower House by M^r Waughop and M^r Thompson Entituled a Supplementary Act to the Act Entituled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for Maintenance of Ministers thus Endorsed.

By the Lower House of Assembly 10th June 1730

Read the first & Second time by An Especial Order & will Pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table.
Adjourned till to Morrow Morning Eight of the Clock

June 11

Thursday Morning 11th June 1730

This House met again according to Adjournment

Present as Yesterday

A Message from the Lower House by Coll^o Herman & M^r Beale

By the Lower House of Assembly June the 11th 1730

U. H. J.

May it Please Yo^r Honours.

As there is publick money in the Treasurers hands some of the Members of this House propose to take Cash for part of their Allowances at Ten Shillings p hundred and desire Your Honours Concurrence thereto.

Signed p Order M : Macnemara Cl. Lo. Ho.

A Message from the Lower House by M^r Gordon & M^r Beale

By the Lower House Assembly June the 11th 1730

May it please Yo^r Honours

In answer to your Message of Yesterday by Philip Lee Esq^r this House doth appoint M^r John Beale & Cap^t Gordon to Join Benjamin Tasker Esq^r appointed by your House to Inspect the Workman agreed to build the seperate Repository for the Records

Signed p Order M : Macnemara Cl. Lo. Ho.

An Engrossed Bill from the Lower House by M^r Tolly Entituled p. 43
An Act for the Building a Church in Baltemore County and in a Town called Baltemore Town in S^t Paul's Parish thus Subscribed

11th June 1730

Read and Assented to by the Lower House of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Johnson and M^r George Entituled An Act for the Relief of John Smith a Languishing Prisoner in Cecil County Goal thus Endorsed.

By the Lower House of Assembly 10th June 1730.

Read the first time in this House & Ordered to lye on the Table

Signed p Order M : Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 11th June 1730

Read the second time & will Pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table.

A Bill from the Lower House by M^r Holliday and M^r Sprigg Entituled An Act for the preservation of the Breed of Wild Deer thus Endorsed

U. H. J. By the Lower House of Assembly 11th June 1730

Read the first & second time by an Especial Order & will Pass.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table.

The Engrossed Bill Entituled An Act for Improving the Staple of Tobacco and for continuing part of An Act Ascertaining the Gauge and Tare of Tobacco Hogsheads and to prevent Cropping Cutting and Defacing Tobacco taken on Board Ships or Vessels upon Freight, and for laying Impositions on Tobacco ꝑ the Hogshead for the Support of Government and for Encourageing Settlements in this Province by Ascertaining the manner of paying His Lordships Alienation fines and Quit Rents for the Term therein p. 44 proposed, And for taking off the Three pence ꝑ Hogshead formerly raised for the Publick charge being Read is Ordered to be thus Subscribed

11th June 1730

Read and Assented to by the Upper House of Assembly

Signed ꝑ Order John Ross Cl. Up. Ho.

The Paper Bill so Endorsed is sent to the Lower House by Philip Lee Esq^r

Read the second time the Bill Entituled An Act for the Relief of Thomas Worsley Benjamin Freeman John Vines John Cornelius Thomas Howard Thomas Jacks John Nicholson & James M^cIntosh Prisoners in Ann Arrundell County Goal Thomas Palmer A Languishing Prisoner in the Goal of the City of Annapolis W^m Gray Thomas Davis John Smith and Anthony Oneallis Languishing Prisoners in Prince Georges Co^{ty} Goal and John Libbie and Alice Macklin Prisoners in Talbot County Goal and Ordered to be thus Endorsed

By the Upper House of Assembly 11th June 1730

Read the second time and will Pass there being inserted after the word Effects in the 8th line of 9th Page the Words foll: And if the said Prisoners Effects shall not be sufficient to pay and Satisfie the Sheriff his Imprisonment fees that then each respective Prisoner shall after His or Her Releasement out of Prison be lyable to Pay and Satisfie unto the Sheriff the Residue of His Imprisonment fees. Provided that the said Sheriff shall not Prosecute or Imprison such Prisoner within Two Years after his Releasement

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Ward

A Message from the Lower House by M^r Harris and M^r Hanson

By the Lower House of Assembly June the 11th 1730

U. H. J.

May it Please Yo^r Honours.

A Bill having passed both Houses in Relation to Tobacco And this House being of Opinion that it will be necessary to Support such Bill if it should be Passed into a Law Proposes that an Address be Prepared in Order to be presented to His Lordship setting forth the reasonableness and necessity of such Law or any other Law which p. 45 may be Passed this Session and Judged necessary by both Houses to be included in such Address and appoint some Members of Your House as a Committee to Join some Members of this House for preparing the same

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournm^t

Present as in the Morning.

A Bill from the Lower House by M^r Chamberlin and M^r Edmondson Entituled An Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis to the Clerk of Dorchester County and to Enable him to Record the same thus Endorsed

By the Lower House of Assbly. 11th June 1730.

Read the first & Second time by an Especial Order & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

The Engrossed Bill Entitled an Act for the building a Church in Baltemore County and in a Town called Baltemore Town in S^t Pauls parish being read is Ordered to be thus Subscribed

11th June 1730

Read and Assented to by the Upper House of Assembly

Signed ꝑ Order John Ross Cl. Up. Ho:

The Engrossed Bill Entituled An Act altering the bounds of Two Acres of Land heretofore Granted to Great Choptank Parish in Dorchester County on which the Chappell in Vienna now stands being Read is Ordered to be thus Subscribed

11th June 1730

Read and Assented to by the Upper House of Assembly

Signed ꝑ Order John Ross Cl. Up. Ho.

p. 46

U. H. J. The Engrossed bill Entituled An Act to Enable the High Court of Appeals to continue an Appeal therein depending between Edward Fotterell and Ann his Wife late Ann Lloyd Appellants and David Robinson and Judith his Wife John Robinson and Grace his Wife and Rebecca Tibbles Defendants being Read is Ordered to be thus Subscribed

11th June 1730

Read and Assented to by the Upper House of Assembly.

Signed p Order John Ross Cl: Up: Ho:

The Several Paper Bills so Endorsed are Sent to the Lower House by Philemon Lloyd Esq^r

Coll^o Holland and John Hall Esq^r are sent to the Lower House to acquaint the Speaker and the whole House that His Ex^{cy} requires their Attendance in the Upper House to see the Law passed this Session Entituled An Act for Improving the Staple of Tobacco and for continuing part of An Act ascertaining the Gauge and Tare of Tobacco Hogsheads and to prevent Cropping Cutting and Defacing Tobacco taken on Board Ships or Vessels upon Freight and for laying Impositions on Tobacco p the Hogshead for the support of Government and for Encouraging Settlements in this Province by Ascertaining the manner of paying His Lordships Alienation Fines and Quit Rents for the Term therein proposed, and for taking off the Three Pence p Hogshead formerly raised for the publick Charge Receive the Assent.

The whole House Attend and by their Speaker present to His Excellency the aforesaid Law which was Signed & Assented to on behalfe of the Right Honourable the Lord Proprietary of this Province by His Excellency the Governour and Sealed with his Lordships great Seal at Arms.

The Speaker and the whole House withdrew

The following Message being prepared is Sent to the Lower House by Coll^o Tilghman

By the Upper House of Assembly 11th June 1730.

Gentlemen

In answer to Your Message by Coll^o Harman and M^r Beale this House Esteem it more equal that instead of giving the Option to the Members of your House to take or Refuse money at the Rate of Ten Shillings p Cent for each hundred pounds of Tobacco the members of each House for a time not Exceeding Six days be Obligated to take Currant Money in the Treasurers hands of each Shore at the Rate of Ten Shillings p Cent in Lieu of Tobacco.

Signed p Order John Ross Cl. Up. Ho:

Read the Petition of Several Gentlemen Practitioners of the Law U. H. J.
and Granted p. 47

The Engrossed Bill Entituled a Supplementary Act to the Act
Entituled An Act for the laying out of Land and Erecting a Town
in S^t Mary's County at a place formerly called Seymour Town
being Read is Ordered to be thus Subscribed

11th June 1730

Read and Assented to by the Upper House of Assembly

Signed ꝑ Order John Ross Cl: Up: Ho:

The Paper Bill so Endorsed is sent to the Lower House by Phil^o
Lloyd Esq^r

A Message from the Lower House by M^r King and M^r Johnson
with the Bill for the Relief of several Insolvent Debt^{rs}

By the Lower House of Assembly June the 11th 1730

May it please Yo^r Hon^{rs}

We cannot consent to the Amendment proposed by your Honours
To the Bill for the Relief of Several Prisoners since such a Clause
will be inconsistent with the Design of the Bill and wou'd be a means
of driving those poor people out of the province and render some of
them Incapable to maintain their familys with such things as are
necessary for their Subsistence Besides this House cannot conceive
any Reason for preferring the Sheriffs Fees to Debts due to other
Creditors, for it is certain the Expence the Sheriffs are usually at,
in Supporting Prisoners is very Inconsiderable, in comparison with
what they are allowed for it, And it appears by An Act of Parliament
past in the second year of His present Majesty's Reign for Relief of
Insolvent Debtors that no such preference is given, but on the con-
trary all Prisoners who should take the Oath prescribed by that
Statute, if detained for Imprisonment fees &c. and upon no other
Account, should be discharged; Which this House conceives to be a
very proper Example for the Legislature of this Province to follow
We therefore desire Your Honours will Pass the Bill as it now
Stands

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

The Question being put whether the Bill Entituled An Act to
Ascertain the Fees of Practitioners in the Law within this Province
and to prevent Extortions, frauds and Abuses therein should be
amended Resolved in the Affirmative.

Adjourned till to Morrow Morning 8 of the Clock

U. H. J.
June 12
p. 48

Friday Morning 12th June 1730

This House met again according to Adjournment

Present as Yesterday

The Engrossed Bill Entituled An Act for the laying out of Land and Erecting a Town at a Place called Broxons Point in Cecil County being Read is Ordered to be thus Subscribed

12th June 1730.

Read and Assented to by the Upper House of Assembly.

Signed p Order John Ross Cl. Up. Ho.

The Engrossed Bill Entituled An Act for Ascertaining the form of the Oath of Judge or Justice being Read is Ordered to be thus Subscribed

12th June 1730

Read and Assented to by the Upper House of Assembly.

Signed p Order John Ross Cl. Up. Ho.

The Engrossed bill Entituled An Act for the Relief of James Peerman Prisoner in Ann Arrundell County Goal being Read is Ordered to be thus Subscribed

12th June 1730

Read & Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

The Engrossed bill Entituled An Act to Enroll & Record An Indenture between Matthias Vanbebber of the One part and Thomas Bordley Esq^r of the other part being Read is Ordered to be thus Subscribed

12th June 1730

Read & Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

The Several Paper Bills so Endorsed are sent to the Lower House by Coll^o Rider

The following Message being prepared is sent to the Lower House by John Hall Esq^r

By the Upper House of Assembly 12th June 1730

Gentlemen

In Answer to the Message of Your House by M^r King and M^r Johnson in Relation to the Bill for the Relief of Prisoners this House are not of Opinion the Indorsement by Our House will be Incon-

sistent in General with the Design of the Bill seeing the prisoners U. H. J.
 are to be discharged from every Creditor Save the Sheriff and from P. 49
 him after Delivery of their Effects for the Space of two years in
 which time by their Honest Industry they may be Enabled to get
 some Subsistence for their familys if any and discharge the residue
 of the Debts due to the Sheriffs who We conceive in Justice ought
 to have his Imprisonment fees so secured seeing the many and great
 Hazards He runs by Escapes being Subject in such case to pay the
 whole Debt the Prisoner is in Arrear for, it is further to be Con-
 sidered the great Expence they are at in finding them with Provisions
 which makes the Act of Parliament you mention no Example to the
 Legislature here in regard the Sheriffs in England Do not Support
 their Prisoners who live on the Charity of the People or their own
 Effects nor is there any Example that We know of in any the Neigh-
 bouring Colonys where Sheriffs by Account of Legislation have
 suffered as the Sheriffs of this Province from time to time have done
 which we conceive to be highly Injurious in respect to the difference
 between them and other Creditors the Imprisonment of the Debtor
 being Voluntary in the One and Compulsary in respect to the other
 and therefore this House Insists on the Bill passing with the Amend-
 ments proposed and for further Reasons refers you to the Sheriffs
 Petition herewith Sent

Signed p Order John Ross Cl. Up. Ho.

Six Engrossed bills from the Lower House by M^r Elliot and M^r
 Blackistone, One Entituled An Act to Confirm two Deeds of Sale the
 One from George Oldfield and Petronella his Wife the other from
 Richard Carr Son and Heir at Law to a certain John Carr of Cecil
 County deceased to Casparus Augustine Herman another Entituled
 An Act for the naturalization of John Henrickson a Native of Rot-
 terdam in Holland now an Inhabitant of Kent County in Maryland
 and John Samuel Rachel Mary Mildred Margaret Martha Rebecca
 Hannah and Ruth Children of the aforesaid John Henrickson
 Another Entituled A Supplementary Act to the Act Entituled An
 Act for the Advancement of Justice Another Entituled Act for the
 laying out the Town anew commonly called Chester Town in Kent
 County and for Ascertaining the bounds thereof, Another Entituled
 An Act to cut off an Entail of a Tract of Land called Marshes Seat
 lying in Ann Arrundel County and to Invest William Vernon with
 an Estate in Fee Simple in the said Tract of Land and to settle a
 Parcel of Land being part of Three Tracts of Land called Happy
 Choice Clarks Groves and the Addition to Clarks Groves lying in
 Prince Georges County on Thomas Knighton and the Heirs of his
 Body in Lieu thereof another Entituled An Act to Record a Deed of
 Bargain and Sale made by Thomas Humphreys Esq^r and Mary his p. 50

U. H. J. Wife to John Gresham Esq^r Severally being Read are Ordered to be thus Subscribed

12th June 1730

Read and Assented to by the Upper House of Assembly

Signed p Order John Ross Cl: Up: Ho:

The Paper bills Severally so Endorsed are Sent to the Lower House by Benjamin Tasker Esq^r

The Engrossed bill Entituled a Supplementary Act to the Act Entituled an Act to Limit the continuance of Actions in Several Courts within this province and Ascertainig the manner of taking the Evidence of Seafaring Men and for granting Appeals from the Chancery Court to the Governour and Council Read and Assented to in this House and Ordered to be so Subscribed

Carried to the Lower House with the Paper Bill by Coll^o Rider

The Paper Bill Endorsed in the following manner is brought to this House by Coll^o Ennalls

By the Lower House of Assembly 12th June 1730

The Engrossed Bill whereof this is the Original is read and Assented to

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the second time the Bill Entituled An Act for the preservation of the breed of Wild Deer and Ordered to be thus Endorsed

By the Upper House of Assembly 12th June 1730

Read a Second time and will pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Philip Lee Esq^r

Read the second time the Bill Entituled an Act to Enable the Clerk of Dorchester County to deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis to the Clerk of Dorchester County and to Enable him to Record the same and Ordered to be thus Endorsed

By the Upper House of Assembly 12th June 1730.

p. 51 Read the Second time and will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Tilghman

Read the Petition of the Mayor Recorder and Alderman of the U. H. J. City of Annapolis and Recommended to the Consideration of the Lower House of Assembly

Sent to the Lower House by John Rousby Esq^r

Read the Second time the Bill Entituled An Act for the further direction of the Sheriffs within this province in their Collections this present Year and Ordered to be thus Endorsed

By the Upper House of Assembly 12th June 1730

Read the second time and will not Pass.

Signed p Order John Ross Cl: Up: Ho.

Sent to the Lower House by Coll^o Ward.

Read the second time the Bill Entituled An Act to Record and make Valid in Law a Deed from John Watmore to a Certain William Dare the Father, and Sale to be made of certain Lands therein mentioned by the Surviving Executor of William Dare the Son and Ordered to be thus Endorsed

By the Upper House of Assembly 12th June 1730

Read the second time and will pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Philemon Lloyd Esq^r

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournm^t

Present as in the Morning

Read the second time the Bill Entituled a Supplem^{ty} Act to the Act Entituled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for Maintenance of Ministers and Ordered to be thus Endorsed

By the Upper House of Assembly 12th June 1730

Read the second time and will Pass wth the foll^g Amendm^{ts}

In 7th Line of 4th page between the words any and Person the word other be inserted, and from the beginning of 10th Line of the same page to the end of 12th Line be left out, and these words following be inserted And one Moiety thereof applied towards defraying the p. 52 Charge of the Parish where the Offence should be committed and the other moiety to him her or them that shall inform of the same

U. H. J. and in 16th Line of the same Page between the words recovered and by be put in the words following in his Lordship the Lord Proprietarys name. And in the 5th page Line 3 instead of the words and support of the County or Countys the Words of the Parish be inserted

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by John Hall Esq^r

An Engrossed Bill from the Lower House by Coll^o Ennals and M^r Blackiston Entituled An Act for the preservation of the Breed of Wild Deer being read is Ordered to be thus Subscribed

12th June 1730

Read and Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

An Engrossed Bill from the Lower House by M^r Taylor Entituled An Act for the Relief of Thomas Worsley Benjamin Freeman, John Vines, John Cornelius Thomas Howard Thomas Jacks John Nicholson and James Mackintosh Languishing Prisoners in Ann Arrundell County Goal Thomas Palmer a Languishing prisoner in the Goal of the City of Annapolis Will^m Gray Thomas Davis, John Smith, and Anthony Oneallis Languishing Prisoners in Prince Georges County Goal and John Libby and Alice Macklin Languishing Prisoners in Talbot County Goal being read is Ordered to be thus subscribed

12th June 1730

Read and Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

An Engrossed Bill from the Lower House by M^r Thompson Entituled An Act to Record and make Valid in Law a Deed from John Watmore to a Certain William Dare the Father and Sale to be made of Certain Lands therein mentioned by the Surviving Executor of Will^m Dare the Son being read is Ordered to be thus Subscribed

12th June 1730.

Read and Assented to by the Upper House of Assembly.

Signed p Order John Ross Cl. Up. Ho.

The Several Paper Bills so Endorsed are sent to the Lower House by Benjamin Tasker Esq^r

p. 53 The following Message being prepared is Sent to the Lower House by Philip Lee Esq^r

By the Upper House of Assembly 12th June 1730

U. H. J.

Gentlemen

On considering Your Message of the 11th Instant whereby you propose a Committee of both Houses to draw up an Address to his Lordship for passing the Tobacco Law and any other Laws made this Session We readily concur with your House therein and have appointed Philemon Lloyd Esq^r Matthew Tilghman Ward and Philip Lee Esq^r Three of the Members of Our House, to Join such Members of Your house as you shall appoint for that purpose.

Signed p Order John Ross Cl. Up. Ho.

Read the second time the Bill Entituled An Act for the Relief of John Smith a Languishing Prisoner in Cecil County Goal and Ordered to be thus Endorsed

By the Upper House of Assembly 12th June 1730

Read the Second time and will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by John Rousby Esq^r

A Message from the Lower House by M^r Holliday and M^r Hemsley.

By the Lower House of Assembly June the 12th 1730

May it please Yo^r Honours

In Answer to Your Message of this Day by Philip Lee Esq^r this House is unwilling to proceed further in relation to the Subject matter of the said Message until We have your Honours Sentiments on the bill relating to Attornys now before you which We conceive to be of as much Importance to the Countrey as any one thing that hath been considered this Session

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the Second time the Bill Entituled An Act to Ascertain the fees of Practitioners of the Law within this Province and to prevent Extortions frauds and Abuses therein

By the Upper House of Assembly 12th June 1730.

Read the Second time and with the Amendments proposed in a p. 54 Message herewith Sent will Pass.

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Ward.

U. H. J. By the Upper House of Assembly 12th June 1730.

Gentlemen

Upon considering the Bill and Examining the Sundry fees allowed to the Practitioners of the Law this House proposeth the following Amendments Viz. That the fee of four hundred pounds of Tobacco given for the pleadings before a Court of Delegates be advanced to Six hundred pounds of Tobacco and instead of the fee of Eight hundred pounds of Tobacco in the High Court of Chancery where the suit proceeds to Commission One Thousand pounds of Tobacco and that the words, His Honour in 4th Line Page 2^d be left out with which Amendments this Bill will Pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Nine of the Clock.

June 13

Saturday Morning 13th June 1730.

This House met again according to Adjournment

Present as Yesterday

An Engrossed bill from the Lower House by M^r Hemsly Entituled An Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis unto the Clerk of Dorchester County and to Enable him to Record the same being read is Ordered to be thus Subscribed.

13th June 1730

Read & Assented to by the Upper House of Assembly

Signed ꝑ Order John Ross Cl. Up. Ho.

The Paper bill so Endorsed is Sent to the Lower House by Benjamin Tasker Esq^r

A Message from the Lower House by Coll^o Greenfield and M^r Holliday

By the Lower House of Assembly June the 13th 1730

May it Please Yo^r Hon^r

p. 55 In Answer to Your Message of Yesterday by Philip Lee Esq^r This House hath appointed Coll^o Greenfield Coll^o Gale James Holliday Esq^r M^r Ralph Crabb Major King and M^r Joshua George to Join the Members of Your House appointed to draw an Address to the Lord Proprietary

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

Read the Petition of the Church Wardens & Vestry of S^t Ann's U. H. J. Parish in Ann Arrundell County & referred to the Consideration of next Session of Assembly.

An Engrossed bill from the Lower House by M^r Waughop and M^r Young Entituled An Act for the cutting off the Entail and Investing an Estate in fee Simple of a Tract of Land called Exeter in Henry Wharton of St. Marys County Gent and his Wife and to Entail other Lands lying in S^t Mary's County in Lieu thereof being read is Ordered to be thus Subscribed

13th June 1730

Read & Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

The Paper bill so Endorsed is sent to the Lower House by Coll^o Rider.

John Rousby Esq^r from the Committee to Inspect the Records in the Commissarys & Secretarys Offices makes the Report thereof as follows.

By the Committee appointed by the Upper and Lower Houses of Assembly to Inspect the Records in the Commissarys and Secretarys Office.

13th June 1730.

Your Committee having Inspected the Testamentary proceeding Books in the Commissarys Office and Examined all the returns therein with the several Record Books in the said Office from the 6th day of February 1721 to the first day of July 1723 do not find that the several Inventorys mentioned in the Lists Annexed to this Report are Recorded We do [not] find the Original Inventorys mentioned in the first List nor any Record of them but only the Return in the Testamentary proceeding Book as aforesaid.

We find on the back of Several Originals mentioned in the second List an Endorsement of their being Recorded but Your Committee having perused the Books and Folio's by the said Endorsements referred to, do not find they are Recorded

Your Committee also find that M^r Vachel Denton was at that time Register of the Commissarys Office, and that M^r Will^m Beckingham Wrote in the said Office (being then a Servant to the said Denton) as appears by his Writing in the Several Books of the said Office, and it seems to Your Committee that the Endorsement on Inventorys p. 56 said to be Recorded which are not, is the hand Writing of the said Beckingham

Your Committee do not find any other proceedings missing in the said Office but the Inventorys as aforesaid.

U. H. J. Your Committee have also examined the Records in the Secretaries Office in Relation to a Deed from Matthias Vanbebber to Thomas Bordley Esq^r whereon is the following Endorsement

March the 27th 1725

Then the within Deed and Acknowledgement were Inrolled in the Provincial Court Land Records of Maryland Viz Lib^o P LL N^o 6 fol^o 58

p Vachel Denton Cl.

All which said Endorsements seems also to your Committee to be the hand Writing of the said William Beckingham to which said Book and folio they having referr'd and which to Your Committee appears fair and Regular, they do not find the said Deed hath ever been Recorded.

Your Committee further find in the Minutes of the Proceedings of May Provincial Court 1724 the following Entry Viz.

At the request of Vachel Denton Clerk of this Court William Beckingham is approved of and Admitted Clerk Assistant to this Court and thereupon the said William Beckingham having Quälified himself by taking the several Oaths appointed to be taken by Act of Assembly and the Oath of Clerk assistant takes his place accordingly as such. Which said Entry seems also to Your Committee to be the hand Writing of the aforesaid William Beckingham

All which Your Committee humbly Submit to the Consideration of both Houses

Signed p Order Jn^o Gibson Cl. Com.

An Engrossed Bill from the Lower House by Coll^o Greenfield and five more Entituled An Act to Ascertain the fees of practitioners in the Law in this Province and to prevent Extortions Frauds and Abuses therein being Read is Ordered to be thus Subscribed

13th June 1730

Read & Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

The Paper bill so Endorsed is sent to the Lower House by Coll^o Holland.

Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

The Journal of the Committee of Accounts brought from the Lower House by M^r Beale and four more thus Subscribed

By the Lower House of Assembly 13th June 1730

U. H. J.
p. 57

Read and Assented to Except that Article of 525 pounds of Tobacco to M^r Gibson for being Clerk to the Committee for Inspecting the Records, it appearing to this House that M^r Denton hath Satisfied the said M^r Gibson for the same

Signed p Order M: Macnemara Cl. Lo. Ho.

An Engrossed Bill from the Lower House by M^r Hemsley Entituled A Supplementary Act to the Act Entituled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the maintenance of Ministers being Read is Ordered to be thus Subscribed.

13th June 1730

Read & Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

An Engrossed Bill from the Lower House by M^r Johnson and M^r George Entituled An Act for the Relief of John Smith a Languishing Prisoner in Cecil County Goal being read is Ordered to be thus Subscribed

13th June 1730

Read & Assented to by the Upper House of Assembly

Signed p Order John Ross Cl. Up. Ho.

The Several Paper Bills so Endorsed are sent to the Lower House by Coll^o Rider

Read the Petition of the Inhabitants dwelling on the South side of South River in Ann Arrundell County and Rejected

The following Message being prepared is sent to the Lower House by John Hall Esq^r

By the Upper House of Assembly 13th June 1730

Gentlemen

On Reading the Report of the Committee of both Houses for Inspection of the Records of the Commissarys and Secretarys Offices and having heard the Allegations of M^r Denton and M^r Beckingham in their Justifications, this House is of Opinion that the said William Beckingham enter into Recognizance before some one of His Lordships Justices of the Provincial Court in the sum of Fifty pounds to be and appear before next Provincial Court to Answer all such things as shall be then and there Objected against him and in the mean time that he be of good behaviour, and that upon his so doing he be discharged from the Serjeant at Arms attending this House, and that M^r Denton defray the Charges of a private Bill passed this Session for recording a Deed from M^r Vanbebber to M^r Bordley and

p. 58

U.^cH. J. that he forthwith send to the Deputy Commissarys of the Several Counties, or the Executors or Administrators of those Estates whereof the Inventorys are not to be found, and procure of them Inventorys of such Estates as are wanting, and lay them before the Commissary General for his Inspection to be compared with the Book of Entrys, and that the several Inventorys now in the Office unrecorded, and which ought to have been Recorded during his being Register in the Commissarys Office, and those that may hereafter be returned He Record them or cause them to be Recorded in the said Office at his own charge with which this House desires Your Concurrence

Signed p Order John Ross Cl. Up. Ho.

A Message from the Lower House by M^r Gordon & M^r Hemsley

By the Lower House of Assembly June the 13th 1730.

May it please Your Honours

In Answer to your Message of this Day by John Hall Esq^r concerning the Report made by the Committee of both Houses to Inspect the Records in the Commissarys and Secretarys Offices this House concurs therewith

Signed p Order M: Macnemara Cl. Lo. Ho.

Adjourned till Monday Morning Eight of the Clock.

June 15

Monday Morning 15th June 1730

This House met again according to Adjournment.

Present as on Saturday Except Philip Lee Esq^r

Ordered that the Clerk of this House receive the same fees on all Private Bills Passed this Session as are allowed by the Lower House to their Clerk.

Adjourned till Two of the Clock in the Afternoon.

Eodem Die Post Meridiem

This House met again according to Adjournment.

Present as in the Morning

The Journal of the Committee of Accounts being Read is Ordered to be thus Subscribed.

By the Upper House of Assembly 13th June 1730

Read and Assented to there being An Allowance made to the Widow Jordan on Account of the Committees being there as also the Account herewith Sent of John Lusby Serjeant at Arms attending

this House for his Charges and Expences in fetching and keeping U. H. J.
M^r Beckingham by Order of this House. P. 59

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower House by Coll^o Rider

A Bill from the Lower House by M^r Beale and Coll^o Ennalls Entituled An Act empowering a Committee to lay Assess and Apportion the Publick Levie for this present Year One Thousand Seven hundred and Thirty thus Endorsed.

By the Lower House of Assembly 13th June 1730

Read the first & Second time by an Especial Order & will Pass.

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

Read the said Bill and Ordered to be thus Endorsed.

By the Upper House of Assembly. 15th June 1730

Read the first & Second time by an Especial Order & will Pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Carried to the Lower House by Coll^o Tilghman

Ordered That the Clerk of this House procure a Book to Enter the Journals of this House in and that for the future He Enter all the Journals for the Use of this House in the same and that he be paid by the Publick for the said Book.

An Engrossed Bill from the Lower House by M^r Warfeild and M^r Turbutt Entituled An Act empowering a Committee to lay Assess and Apportion the Publick Levy for this present year One Thousand Seven hundred and Thirty being Read is Ordered to be thus Subscribed

15th June 1730

Read and Assented to by the Upper House of Assembly

Signed ꝑ Order John Ross Cl. Up. Ho.

The paper bills so Endorsed is Sent to the Lower House by Benjamin Tasker Esq^r

Adjourned till to Morrow Morning Eight of the Clock.

Tuesday morning 16th June 1730

June 16

This House met again according to Adjournment.

Present as Yesterday

A Message from the Lower House by M^r Hemsley

U. H. J. By the Lower House of Assembly June the 16th 1730.

p. 60 May it Please Your Hon^{rs}

This House hath Resolved to discharge the Expence of this Assembly from Saturday last in Cash at 10s 7 hundred and desireth Your Honours Concurrence.

Signed 7 Order M: Macnemara Cl. Lo. Ho.

Whereunto the following Answer being prepared is Sent to the Lower House by John Hall Esq^r

By the Upper House of Assembly 16th June 1730

Gentlemen

This House doth Agree to the proposal of the payment of Ten Shillings 7 hundred in Cash to discharge the Expences of this Assembly from Saturday last

Signed 7 Order John Ross Cl. Up. Ho.

Philemon Lloyd Esq^r from the Committee of both Houses appointed to draw up an Address to the Right Hon^{ble} the Lord Proprietary produces the same to this House which being Read and approved of, is as follows.

To the Right Honourable Charles Absolute Lord & Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltemore
The Humble Address of the Upper and Lower Houses of Assembly.
May it please Your Lordship.

We Your Lordships most Dutiful and faithful Tenants the Members of the Upper and Lower Houses of Assembly of Maryland beg leave to Solicit Your Lordships favour and Assistance in Relation to Our Staple of Tobacco, which is the only dependance of the Inhabitants of this Province and is now reduced to so small a Value that the makers thereof cannot thereby provide such things as are necessary for the Comfortable Subsistance of themselves and Familys and must suffer the greatest hardships if some Expedient be not found to raise the price of that Comodity.

These Melancholly Circumstances and the Benefit Our neighbours
p. 61 of Virginia whose dependance is on the same Staple have sometime received by An Act to prevent the making large Quantitys thereof induced us to Pass a Law for that purpose and with concern We find some Clauses therein Occasioned Your Lordship to Dissent to it. But as we are Convinced considering the deplorable Circumstances of Our Tobacco Trade that a Law is Absolutely necessary to Advance the Price of that Comodity We have passed another Bill for the same

End which we humbly hope will be Agreeable to your Lordship and U. H. J. not lyable to the Objections made against the former Law.

If any of Our Clergy should endeavour to render this Act fruitless and Ineffectual We hope all Attempts of that sort will be vain since the Welfare of the people of this Province depends so much upon it.

And altho those Gentlemen should Object against One fourth part of their Stipends being paid them in Grain We Conceive the Objection will appear unreasonable when its considered that the Grain to be paid them will be worth as much Money as the Tobacco Allowed for it would purchase without such a Law and that the Restraint laid upon the Planters will render the Tobacco to be paid the Clergy of more Value than what the whole without such restraint would be And tho' we are determined to do nothing really Injurious to the Clergy We apprehend it would be manifest Injustice to the People to Prohibit their making Tobacco and at the same time compell them to pay the full dues in that Commodity.

As we would Avoid all Just Occasion of Complaint we have fixed the prices of Grain the very same that Creditors are Obligated to Receive it at when they Execute their Debtors for Tobacco which they cannot pay and this we think very just since it has been Experienced for many years without Complaint made against it to the General Assembly.

Our desires to Encourage good and Pious Clergy men to come amongst us that by their Exemplary Piety Virtue and Truth might appear Amiable has always prevented Attempts to divide any Parish unless the Parish was of so large an Extent that rendred it Impossible for any Clergyman to perform the necessary Dutys of his Function And even then care has always been taken to leave the Incumbent a larger allowance than any Clergyman in Virginia Enjoys

It is with much concern We find that the Tenor of the Oath of Judge or Justice directed by Our former Act of Assembly for that purpose [which] was so disagreeable to Your Lordship as to induce Your Lordships Reasons for Dissenting to that Law is from the form of An Oath laid before us at that time by his Excellency Our Governour by Your Lordships direction in which were Contained the following Words (Viz) According to the Laws Statutes and reasonable Customs of England as have been Used and practiced in this Province these Words We conceived confined the Judges only to have regard to what Laws and Statutes were heretofore in force and practiced here Exclusive of any that might hereafter be Enacted altho they should even in Express Words be Extended hither which We apprehended would be a great Evil and quite alter the practice and Useage of this Province which has been hitherto to Determine Causes according to the Laws of England from time to time Enacted as well as those heretofore made, for this Reason May it Please Yo^r Lordship We

U. H. J. have altered the form of the Oath sent us and formed it in such Manner as that it might respect the Laws of England hereafter to be made as well as those now in force and humbly hope the Law made this Session of Assembly for that purpose may be Agreeable.

There hath for many Years been Laws to Ascertain the Fees of Attorneys and such till lately were found ineffectual for under pretence of Selling their Tobacco fees to their Clyents they had Opportunity of taking very large sums of money We therefore have Passed a Bill to Regulate their fees, And have therein as the only Expedient we could fall upon to prevent Extortion Obliged the Clyents to take an Oath to pay no other fees than that Act allows and have settled many of them larger than they were in any Regulation heretofore made by Act of Assembly tho there has never been any Complaints made against the former till lately And as the People are very desirous of such An Act and have received benefit by the late Law We hope the present Law will appear Just and reasonable to Your Lordship

We humbly referr the Consideration of this Our Address to Your Lordship and desire Your Lordship will be pleased to Approve of the Acts herein mentioned and all Others passed this Sessions of Assembly

We are May it Please Your Lordship Your Lordships most Faithful Tenants and Most Obed^t humble Servants

Signed by the Members of both Houses.

p. 63 Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

The Money Journal from the Lower House by M^r Beale and M^r Johnson thus Subscribed

By the Lower House of Assembly 16th June 1730

Read and Assented to Except that Article of £1: 11s: 6d to M^r Richard Lewis.

Signed p Order M: Macnemara Cl. Lo. Ho.

Read in this House & Ordered to be thus subscribed

By the Upper House of Assembly 16th June 1730

Read & Assented to

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by John Rousby Esq^r

U. H. J.

A Message from the Lower House by M^r Turbutt and M^r George

By the Lower House of Assembly June the 16th 1730.

May it Please Yo^r Hon^{rs}

This House hath Resolved that there be purchased for the Several Vestrys of the several Parishes in this Province Printed Copys of the Tobacco Law Past this Assembly at the charge of the publick And that John Lusby be Immediately paid by an Order on the Treasurer of this shore what he is allowed on the Journal of the Committee of Accounts he being Obligated to Pay part of the said Allowance directly and prays Yo^r Honours Concurrence

Signed ꝓ Order M : Macnemara Cl. Lo. Ho.

Whereunto the following Answer being prepared is Sent to the Lower House by John Rousby Esq^r

By the Upper House of Assembly 16th June 1730.

Gentleman

This House doth Agree to the Payments to be made to the persons mentioned in Your Message of this Afternoon by M^r Turbutt and M^r George for the Services therein mentioned.

Signed ꝓ Order John Ross Cl. Up. Ho.

Coll^o Greenfield and M^r Beale from the Lower House Acquaint p. 64
His Excellency that their House have no Business before them

Whereupon John Hall Esq^r and Philem^o Lloyd Esq^r are Sent to the Lower House to Acquaint the Speaker and the whole House that His Excellency requires their Attendance in the Upper House to see the Laws Passed this Session receive the Assent.

Forthwith the whole House Attend and by their Speaker present to His Excellency the following Laws (The Act Entituled An Act for Improving the Staple of Tobacco, and for continuing part of An Act Ascertainning the Gauge and Tare of Tobacco Hogsheads and to prevent Cropping Cutting and Defacing Tobacco taken on board Ships or Vessells upon Freight, and for laying Impositions on Tobacco ꝓ the Hogshead for the Support of Government and for Encouraging settlements in this Province by Ascertainning the manner of paying His Lordships Alienation Fines and Quit Rents for the Term therein proposed, and for the taking off the Three pence ꝓ Hogshead formerly raised for the Publick Charge being Signed and Assented to before) which were Signed and Assented to on behalfe of the Right Honourable the Lord Proprietary of this Province By His Excellency

U. H. J. the Governour and Sealed with His Lordships Great Seal at Arms
the Titles of which Laws are as follows Viz.

N^o 1. An Act for Ascertaining the form of the Oath of Judge
or Justice

N^o 2. An Act altering the bounds of Two Acres of Land here-
tofore Granted to Great Choptank Parish on which the Chappel in
Vienna now Stands.

N^o 3. An Act to Enable the High Court of Appeals to continue
an Appeal therein depending between Edward Fotterell and Ann his
Wife late Ann Lloyd Appellants and David Robinson and Judith his
Wife John Robinson and Grace his Wife and Rebecca Tibbles
Defendants

p. 65 N^o 4. An Act for the Relief of James Peerman a Prisoner in
Ann Arrundell County Goal.

N^o 5. A Supplementary Act to the Act Entituled an Act for the
laying out of Land & Erecting a Town in S^t Marys County at a
place formerly called Seymour Town.

N^o 6. An Act for the laying out of Land and Erecting a Town at
a place called Broxens point in Cecil County

N^o 7. An Act for Improving the Staple of Tobacco, and for
continuing part of An Act ascertaining the Gauge and Tare of To-
bacco Hogsheads and to prevent Cropping Cutting and Defacing
Tobacco taken on Board Ships or Vessels upon Freight and for laying
Impositions on Tobacco p the Hogshead for the Support of Govern-
ment & for Encouraging Settlements in this Province by Ascertaining
the manner of paying His Lordship's Alienation Fines and Quit
Rents for the Term therein proposed, and for taking off the Three
pence p hhd formerly raised for the Publick Charge

N^o 8. An Act to Enroll and Record An Indenture between Mat-
thias Van Bebber of the One part and Thomas Bordley Esq^r of the
other part.

N^o 9 An Act for the building a Church in Baltemore County and
in a Town called Baltemore Town in S^t Paul's Parish.

N^o 10. A Supplementary Act to the Act Entituled An Act for
the Advancement of Justice.

N^o 11. An Act for the Naturalization of John Hendrickson a
Native of Rotterdam in Holland now an Inhabitant of Kent County in
Maryland and John Samuel Rachel Mary Mildred Margaret Martha
Rebecca Hannah and Ruth Children of the aforesaid John Henrickson

N^o 12 An Act to confirm Two Deeds of Sale the One from
George Oldfield and Petronella his Wife the other from Richard
Carr son and Heir at Law to a certain John Carr of Cecil County
Deceased to Casparus Augustine Herman

N^o 13. An Act to Record a Deed of Bargain & Sale made by U. H. J. Tho^s Humphrys Esq^r and Mary his Wife to John Gresham Esq^r

N^o 14. An Act to Cut off An Entail of a Tract of Land called p. 66 Marshes Seat lying in Ann Arr^{ll} County and to Invest William Vernon with an Estate in Fee Simple in the said Tract of Land and to Settle a parcel of Land being part of Three Tracts of Land called Happy Choice Clarks Groves, and the Addition to Clerks Groves lying in Prince Georges County on Thomas Knighton and the Heirs of His Body in Lieu thereof

N^o 15. An Act for the laying out the Town anew commonly called Chester Town in Kent County and for Ascertaining the Bounds thereof.

N^o 16. A Supplementary Act to the Act Entituled An Act to Limit the Continuance of Actions in Several Courts within Province and Ascertaining the manner of taking the Evidence of Sea faring Men and for Granting Appeals from the Chancery Court to the Governour and Council

N^o 17. An Act for the Preservation of the Breed of Wild Deer.

N^o 18. An Act for the Relief of Thomas Worsley Benjamin Freeman John Vines, John Cornelius Thomas Howard Thomas Jacks John Nicholson and James Mackintosh Languishing Prisoners in Ann Arrundell County Goal Thomas Palmer a Languishing Prisoner in the Goal of the City of Annapolis, William Gray Thomas Davis John Smith and Anthony Oneallis Languishing Prisoners in Prince Georges County Goal and John Libby and Alice Macklin Languishing Prisoners in Talbot County Goal.

N^o 19. An Act to Record and make Valid in Law a Deed from John Watmore to a Certain William Dare the Father and Sale to be made of certain Lands therein mentioned by the Surviving Executors of William Dare the Son

N^o 20. An Act to Enable the Clerk of Dorchester Co^{ty} to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r And to Enable the Clerk of Queen Ann's County to Deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis unto the Clerk of Dorchester County and to Enable him to Record the same.

N^o 21. An Act for cutting off the Entail and Investing an Estate p. 67 of Inheritance in Fee Simple of a Tract of Land called Exeter in Henry Wharton of St Marys County Gentleman and his Wife & to Entail other Lands lying in St. Marys County in Lieu thereof.

N^o 22. An Act to Ascertain the fees of Practition^{rs} of the Law within this Province and to prevent Extortions, frauds and Abuses therein.

U. H. J. N^o 23. A Supplementary Act to the Act Entituled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the maintenance of Ministers

N^o 24. An Act for the Relief of John Smith a Languishing Prisoner in Cecil County Goal

N^o 25. An Act Impowering a Committee to lay Assess and Apportion the Publick Levy for this present year One Thousand Seven hundred and Thirty.

The Honourable Charles Calvert Esq^r and M^r Speaker present to His Excellency the Governour the Joint Address of both Houses to the Right Honourable the Lord Proprietary and desire His Excellency will be pleased to Transmit the same

After which His Excellency pleased to Conclude this Session with the following Speech.

Gentlemen of both Houses

I shall take care to Transmit with all convenient speed to His Lordship the Joint Address of both Houses and shall be ever ready to serve this Country (I have nothing more to say) but to Dismiss you with my sincere Wishes for Your Welfare and I hope you will have that just regard for me as to believe me to be a real friend to the Province of Maryland.

Benedict Leonard Calvert

After which His Excellency is pleased (with the Advice of His Lordships Council) to prorogue this Assembly to the first Tuesday in October next.

Thus Endeth the third Session of the General Assembly of this Province begun and Held at the City of Annapolis on Thursday the
p. 68 Twenty first Day of May And Ending the Sixteenth day of June following in the fourth year of the Reign of Our Sovereign Lord George the second, And in the Sixteenth Year of His Lordships Dominion.

Jn^o Ross Cl.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

Maryland ss.

At a Session of Assembly held at the City of Annapolis in Ann
Arundell County on Thursday the twenty first day of May Anno
Domini One thousand seven hundred & thirty in the Sixteenth year
of the Dominion of the Right Honourable Charles Lord Baron of
Baltimore &c^a by Prorogation from the Eighth day of August last
appeared in the Lower House of Assembly of the Province af^d
(Benedict Leonard Calvert Esq^r being Governour) the following
Delegates (Viz.)

L. H. J.
No. 45
p. 177
May 21

The Honorable Coll^o John Mackall Speaker.

For Saint Mary's County

Coll. Thomas Truman Green-
feild

M^r Phillip Key

M^r John Young

For Dorchester County

M^r John Brannock

M^r Peter Taylor

Coll. William Ennalls

For Kent County

James Harris Esq^r

M^r Phillip Kennard

M^r George Willson

Capⁿ Ebenezer Blackistone

For Cecil County

M^r Thomas Johnson

Coll. Ephraim Augustine

Herman

M^r Stephen Knight

M^r Joshua George

For Ann Arund^{ll} County

John Beale Esq^r

Daniel Dulany Esq^r

M^r Richard Wharfeild

M^r Thomas Worthington

For Baltimore County

M^r Roger Mathews

M^r Thomas Tolley

M^r Daniel Scott

M^r William Hamilton

For Calvert County

M^r Benjamin Mackall

M^r Walter Smith

Maj^r Adderton Skinner

For Prince Georges County

M^r John Magruder

Coll. Joseph Belt

Capⁿ Edward Sprigg

p. 178

For Charles County

Maj^r Robert Hanson

Coll. John Fendall

M^r John Courts

M^r Samuel Hanson

For the City of Annapolis

Capⁿ Robert Gordon

Edmund Jennings Esq^r

L. H. J. For Somerset County

William Stoughton Esq^r

For Talbot County

James Hollyday Esq^r

M^r Samuel Chamberlain

M^r John Edmondson

For Queen Anns County

Capⁿ William Elliott

M^r Augustine Thompson

M^r William Turbutt

M^r William Hemsley

A Sufficient Number of the Members of this House being met at the Stadt House M^r Beale and Coll^o Belt were Ordered to go and Acquaint the Governour thereof. They return and acquaint M^r Speaker with the Delivery of their Message Philemon Lloyd Esq^r and Coll Richard Tilghman from the Upper House Acquaint M^r Speaker that the Governour requires him & the other Members of this House to Attend him Immediately in the Upper House & then withdrew.

M^r Speaker left the Chair and with the rest of the Members of this House went to the Upper House where the Governour made the following Speech. [The text of this speech is printed at page 2.]

p. 179 M^r Speaker & the rest of the Members of this House return. M^r Speaker reassumed the Chair.

M^r Key and M^r Young were Ordered to go to the Upper House to see Coll^o Greenfeild a Delegate of S^t Marys County qualified, they return and acquaint M^r Speaker they saw the same done.

Resolved that the Hours of Sitting this Session be from Eight in the morning untill Twelve and from Two in the Afternoon untill Six.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

May 22

Friday May the 22^d 1730.

The House met according to Adjournment, The Members were called & all were Present as yesterday, The proceedings of yesterday were read.

The Proposals for the more Effectual improving the Staple of Tobacco in Virginia referred to in the Governours Speech was read in the House this Day.

Coll^o Gale Maj^r King and M^r Dashields appeared in the House this day.

The Severall Committees that were last Session are Continued this Session.

Coll^o Greenfeild was Added to the Committee of Laws.

The Committee of Laws were Ordered to prepare an answer to the Governours Speech The following Message [The text of this p. 180 message is printed at page 7.] Was sent to the Upper House by Coll^o

Fendall, Who returns and acquaints M^r Speaker with the Delivery L. H. J. thereof.

Coll^o Rider from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 6.]

And the Petition of the freeholders & Inhabitants of Chester Town commonly called new Town in Kent County Indorsed thus.

By the Upper House of Assembly 22^d May 1730

Read & recommended to the Consideration of the Lower House of Assembly

Signed p Order Jn^o. Ross Cl. Up. Ho.

Which Petition was read here and granted

The Rules appointed last year to be kept in the Lower House of Assembly are agreed to be kept as such this Session.

M^r Dulany from the Committee of Laws brings in an Answer to the Governours Speech & read the same in his Place.

The Question was put whether the said Answer to the Governours Speech should be Ingrossed without Alteration or not & Resolved in the Affirmative.

M^r Dulany is Ordered to get the same Ingrossed.

The Petition of William Chandler of Charles County being read is granted.

The House Adjourns untill Two of the Clock in the Afternoon.

Friday at Two of the Clock in the Afternoon.

The House met according to Adjournment. The Members were Called and all Present as in the Morning.

M^r Dulany brings in the Address to the Governour Ingrossed. p. 181

M^r Dulany and M^r Key are Ordered to go and acquaint the Governour this House hath Prepared an Address to him & desireth to know when & where he will receive the Same.

They return and acquaint M^r Speaker they delivered their Message and that the Governour is ready to receive the same Immediately at his House.

Coll^o Greenfeild & Eleven more are Ordered to go and Present the following Address to Governour Viz.

To the Honourable Benedict Leonard Calvert Esq^r Govern^r of Maryland. The Humble Address of the Lower House of Assembly

May it Please your Honour.

We his Majesty's most Dutiful & Loyal Subjects the Representatives of the freemen of Maryland in Assembly Convened, return

L. H. J. your Honour our most humble and hearty thanks for giving us this Opportunity (However Inconvenient it may be to us with regard to our private Concerns) of Consulting a Matter of such great Importance to our Country as the Amendment of our Staple.

And We are truly Sorry for and Condole with your Honour on the Cause of your Affliction as well as your own Indisposition.

We Acknowledg with the Deepest sense of Gratitude, your regard to the Welfare of this Province & Compliance with the joint Address of both Houses of Assembly in Concerting a Correspondence with Virginia; The people of which Colony cannot but be Convinced as we are, that their Welfare as well as ours depends on the Amendment of our Common Staple Tobacco. And that whether we Pursue the Same or Different means the End ought to be the Same.

As to the Scheme your Honour has been pleased to Communicate to us We shall take the same as well as Every thing Else that shall Occur or be proposed to us into our most Serious Consideration and Endeavour to the best of our understanding to form such a Tobacco Law as may remove Some of the Miserys under which our Country at present Groans & do all we Can to dispatch the other Publick Business with the least Expence to the people we represent.

Your Honour's Wishes that wisdom and Moderation may Direct your Councils and the Assurances you have been Pleased to give us, of your Inclination to Advance our real Happiness, not only deserves our most thankfull Acknowledgments but ought to Excite us, as we hope it will, to Act with the Greatest Zeal and unanimity in the
 p. 182 Service of our Country under a firm reliance on your Concurrence with us in the means which never were more Necessary than at this juncture.

Signed by Order of the House John Mackall, Speaker
 May 22^d 1730.

They return & acquaint M^r Speaker they presented the Same.

M^r Kirk Appeared in the House this Afternoon

The Question being put whether this House should first proceed to Consider of a Tobacco Law or for the Appointment of an Agent in Great Britain.

Resolved that the House first proceed to Consider of a Tobacco Law

The Question being put whether a bill should be prepared for the Amendment of the Staple of Tobacco or not, Resolved in the Affirmative.

The Question being Put whether in the Tobacco Bill to be prepared the Restriction shall be to a Number of Plants or to a Number of Pounds.

Resolved that the Restriction be to a Number of Plants.

The Question being put whether the quantity of Plants to be L. H. J. Allowed be 6000 or 5000. Resolved that the quantity be 6000.

The Question being put whether an Equivalent shall be made in the Country Commodities for the Part to be Deducted in Tobacco payments by the Tobacco Law to be prepared or not Resolved in the Affirmative Nemine Contradicente

The Question being put Whether in Tobacco Debts a fourth should be Deducted or more Resolved that more be deducted.

Resolved that it is Necessary for the People of this Province to have an Agent in Great Britain to Transact the Publick Affairs there.

The Question Put whether a Bill shall be prepared for a paper Currency or not Resolved in the Affirmative.

Mr Wharfeild is Ordered to go and Acquaint the Reverend Mr Humphreys this House desires him to read prayers during this Session at the time used in Other Assemblies Who return and acquaint Mr Speaker with the Delivery of his Message.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Saturday May 23rd 1730.

May 23

The House met According to Adjournment

The Members were Called and all were Present as yesterday.

The proceedings of yesterday were read.

The Petition of John Libby of Talbot County was read and p. 183 granted.

Ordered that Although this Petition was received without Recommendation from the Justices of the County (Particular Circumstances being Attendant on the Petitioners Case) this be not drawn into a Conclusive presedent hereafter.

The Petition of John Hendrickson of Kent County was read & granted.

Ordered that the Committee of Laws prepare an Address to the Governour in Order to know if his Lordship hath Communicated to him any reasons for his Dissent to the Severall Law[s] lately dissolved by Proclamation & to desire he will Please to Communicate them (if any) to this House.

Ordered that Mr Hollyday Mr Hemsley Mr Chamberlain Mr Worthington and Maj^r Turbutt Adjust and Settle the Accounts between Mr Robert Alexander & Mr John Smith of Cecil County.

Benjamin Tasker Esq^r from the Upper House delivered to Mr Speaker the following Message. * [The text of the message is printed at page 9.]

L. H. J. Daniel Dulany Esq^r from the Committee of Laws who were Appointed to prepare an Address to the Governour brought in the Same and read it in his Place which the House Approved of and Ordered the Same to be Ingrossed.

The Question was put whether the Votes and proceedings of the House be printed this Session upon the Same terms they were last Session or not Resolved in the Affirmative

The Governour Sent the following Answer to the Address of this House yesterday Viz.

Gentlemen

I am Obligated to you for your kind Address and please myself with the hopes of an happy Issue to this Session whereunto I shall not fail to Contribute whatsoever in Justice and reason can be Expected on my Part, by the good People of Maryland.

Bened^t Leon^d Calvert

p. 184 Daniel Dulany Esq^r brings into the House the Ingrossed Address to the Governour which was read and Approved of.

James Harris Esq^r and M^r Walter Smith were ordered to go and Acquaint the Governour this House hath prepared an Address to him and Desires to know when and where he will receive the same, They return and Acquaint M^r Speaker they Delivered their Message and that the Governour would be ready Immediately to receive the same in the Council Chamber. The Address was as followeth. [The text of this address is printed at page 12.]

Coll^o Greenfeild and Eleven more were ordered to present the said Address to the Gov^r

They return and Acquaint M^r Speaker they did Accordingly

The House Adjourns until Two of the Clock in the Afternoon.

Saturday at Two of the Clock in the Afternoon

p. 185 The House met according to Adjournment, The Members were Called & all Present as in the Morning.

The following Message being Prepared was Ordered to be Entred thus. [The text of this message is printed at page 9.] And was Sent to the Upper House by Maj^r Hanson & Capⁿ Gordon, Who return and say they delivered the Same.

The Petition of Several freeholders of Cecil County referred to this from the Last Session praying Leave to Erect a town on Broxons Point was read & granted.

The Question was put whether the House shall take into Consideration the Revenue bill this Afternoon or not

Resolved in the Negative.

Ordered that the Petition of Thomas Cannor of Dorchester L. H. J. County be heard at the Bar of this House on Friday next.

The House Adjourns untill Monday Morning at Eight of the Clock.

Monday May the 25th 1730.

May 25

The House met according to Adjournment. The Members were Called and all Present as on Saturday. The Proceedings of Saturday were read.

The Question being put Whether the House should proceed first to Consider of a Tobacco Bill or a bill to Limit Officers fees. Resolved that the House proceed first to Consider of a Tobacco Bill

The following Message [The text of this message is printed at page 10.] Was Sent to the Upper House by James Harris Esq^r and p. 186 Maj^r Hanson Who return and say they Delivered the Same.

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 10.]

Coll^o Greenfield M^r Dulany Maj^r Harris M^r Jennings M^r Samuel Hanson and M^r Key are Appointed to join Philemon Lloyd Esq^r Coll. Tilghman and Phillip Lee Esq^r appointed by the Upper House as a Committee to Consider of a Tobacco Law.

The House Adjourns untill Two of the Clock in the Afternoon

Monday at Two of the Clock in the Afternoon

The House met according to Adjournment The Members were Called & all Present as in the Morning.

The following Message [The text of this message is printed at page 11.] Was sent to the Upper House by James Harris and Edmund Jennings Esq^r Who return and say they Delivered the Same.

Coll. Tilghman from the Upper House delivered to M^r Speaker p. 187 the following Message. [The text of this message is printed at page 11.]

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Tuesday May the 26th 1730

May 26

The House met according to Adjournment, The Members were Called and all present as on Yesterday. The proceedings of yesterday were read.

A Bill Entituled an Act for the Laying out of Land & Erecting a Town at a place called Broxons point in Cecil County was read the first time & Ordered to Lye on the Table.

L. H. J. A Bill Entituled an Act Altering the bounds of Two Acres of Land heretofore Granted to Great Choptank parish on which the Chappel in Vienna now stands was read the first time & Ordered to Lye on the Table.

Coll^o Ward from the Upper House delivered to M^r Speaker the Petition of John Cornelius Indorsed thus. [The text of this endorsement is printed at page 11.]

The Petition of John Vines Indorsed thus [The text of this endorsement is printed at page 11.]

The Petition of Benjamin Freeman Indorsed thus. [The text of this endorsement is printed at page 11.]

p. 188 The Petition of David Robinson was read & granted.

The three Several Petitions referred here from the Upper House were read & granted

The Petition of Thomas Jackson was read & granted.

John Hall Esq^r from the Upper House delivered to M^r Speaker the Petition of Thomas Spaldin Junior of S^t Marys County Indorsed thus.

By the Upper House of Assembly 26th May 1730

Read & referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

And the Petition of Several Inhabitants of Charles, S^t Marys, Prince Georges and Calvert Countys Indorsed thus [For the text of this endorsement see page 12.]

The House Adjourns untill Two of the Clock in the Afternoon.

Tuesday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all present as in the Morning.

The Petition of John Smith of Cecil County was read & granted with this Provision that the Sureties for the said Petitioner in regard to his Sherriffs Office have the Precedence in payment to other Creditors.

On reading the Petition of the Inhabitants of Saint Mary's County Charles County &c^a the question was put whether the said Petition should be rejected or referred untill next Session. Resolved that it be referred.

Coll^o Ryder from the Upper House delivered to M^r Speaker the Petition of .part of the Parishioners of the Reverend M^r Jones's parish in Charles County Indorsed thus, [For the text of this endorsement see page 12.]

Which Petition was read here and rejected.

L. H. J.

Coll^o Ward and Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the Governour's Answer to the last Address p. 189 of this House which was this [The text of this answer is printed at page 13.]

And the following Paper Viz.

Reasons against the Act of Assembly for Improving the Staple of p. 190
Tobacco in Maryland.

Because as to the General View of the Act it Appears Very doubtful whether it will in any Measure Answer the End intended so as Either to diminish the quantity of Tobacco to be made in the Province or raise the price in proportion to such Diminution Since the Value of the Tobacco depends upon the Demands of foreign Markets which are not Confined in their Supply to Maryland, but may be Supplied from Divers Other Plantations as well of English as of Dutch & French

Because the Method prescribed by the Act for Adjusting future payments in Tobacco upon the foot of a Supposed rise of its Value is unequal & Consequently unjust for let the Value rise as it will that Can be no reason why the Property of the Publick or of any Private man should be in any Degree Substantially Diminished which must Necessarily be the Effect of this Act for Supposeing the Value should Rise one fourth above its price precedent to the Act the future payments Ought at Least in all Events to be three fourths of the Whole Tobacco that would Otherwise be due, & these three fourths ought not to be put upon a worse foot than the Whole was before the Act by forcing the Owners to Sell those three fourths at any Certain price and much less at the Certain price of Ten Shillings p Cent which is as I am Informed not more than the usuall price of Tobacco Precedent to the Act.

But Supposing on the other side it is uncertain whether Tobacco will rise in that proportion it is Still more unjust that the Creditor Whether the Public or any Private person should run all the Hazard of the Act without a possibility of gaining by it which must be the Case where the Election is given to the Debtor Either to pay it in Tobacco or in Mony at a Certain rate.

Because if the future payments in Tobacco were to Stand upon their Old foot without any Deduction tho the Tobacco should rise in Value by the Diminution of its quantity Yet in the Event neither the Receivers of the Tobacco when at that Advanct price would be Gainers or those who pay be Losers by it because the Riches of the People & the Price of all other Commodities will probably encrease in Proportion.

That the Riches will be encreas't in that Case is Manifest because p. 191
a Lesser quantity of Tobacco will be Equal in Value to a greater

L. H. J. quantity that was made before & Consequently all that time, Labour, Land and Expence, which were Imploy'd before in providing the Overplus will be Clear gains, & be Used by an Industrious people in Gaining Riches in another way.

That other Commodities will probably rise Proportionably in their price is plain not only from Common Experience which Shews that things Gradually rise in proportion to the Riches of a People but from the Nature of the thing as an Encrease of Riches Naturally Encreases the Demands of the People for the Conveniences and Accomodations of Life

Because tho this Diminution in future payments is an Injury to all who have any Growing payments within the Intent of the Act whether the Publick or private persons Lawyers or Clergy yet it is a Peculiar Hardship upon the Clergy whose Maintenance Arises Solely from the Parochial Levies of forty pounds of Tobacco p Poll if the Act should happen to be a Loss to the People in Lessening their Quantity of Tobacco and not raising its Value they are at Liberty & will no Doubt make up their Losses by other Uses of their Land & Labour.

But the Clergy have no other Means of Subsistance than what arises wholly from those Levys, It is neither Consistent with their Character to make use of any other nor doth it Seem Agreeable to the Wisdom of a people to put them under a Necessity of Using any other.

Because the Alteration of the Time for the Sherrif to bring in his Annual Accounts of Tobacco is Very Detrimental to the Creditors whether Clergy or others who by this Means will Lose the Opportunity of Disposing of their Tobacco within a reasonable time & not to the same Advantage with the rest of the people.

And the following Case Viz.

The Case of those that Practice the Law in Maryland and of those that Trade to that Province

In the year 1715 an Act of Assembly was made to Ascertain the fees of Attornys and other Practitioners of the Law in Maryland by which Act they are Expressly Prohibited to Exact any more than
 p. 192 what the Act Allows and the penalty no Less than an In Capacity of practising for the future which Act is a perpetual Law & Still in force. And by another Act Likewise in force, Any Attorney that shall refuse to undertake a Cause for the Limited fee forfeits for every refusal five hundred pounds of Tobacco & is to be Suspended His practice for a year, Yet the Assembly in October One thousand Seven hundred & twenty five passed the Act Annexed which makes no Alteration in the fees. NB. all those that practice the Law in Maryland let them be of what Degree they will in the profession are

Attornys & have always taken the Oaths of Attornys and are L. H. J. Obligated to do not only all the Business of Attorney Sollicitor & Council but Very Often of Book-keepers in drawing and Stating the Accounts of their Clyents without which such Accounts wou'd not be Intilligible and of Surveyors too in all Causes relating to the bounds of Land which are much the Greater number of Ejectments and Actions of Trespass and even of drawing the Entrys of Clerks and returns of Sherrifs to prevent Errors in the Proceedings the Circumstances have very frequently induced the Clyents to give the Lawyer such Gratuitys as they (the Clyents) have thought reasonable Compensations for the Services done them, or which they Expected of which they (the Clyents) were always the Judges and it is to be presumed Seldom Exceeded what was reasonable and the Lawyers dare not insist on any thing more than the Limited fees, Tobacco being the Staple Commodity of Maryland the Lawyers fees are Limited & Paid in that Specie which is Generally Collected by the Sherrifs who have ten p Cent for their Commissions which the other Deductions commonly Amount to Twenty or Twenty five p Cent and the Lawyers are frequently Obligated to go to Law with the Sherrifs for their own Tobacco especially when tis of any Value and Very Often by the Insolvency of them (the Sherrifs) and their Sureties Either Loose it or are Obligated to make disadvantageous Compositions after the Loss of much time and a good Market and after having been at a Very great Expence, to Avoid which Inconveniencys the Lawyers have frequently sold their Tobacco to their Clyents sometimes for Current price and often for Less, but by this Late Act of Assembly they (the Lawyers) are Prohibited to take more than Ten Shillings Current Mony which is but 7^s 6^d Sterling p Cent of their Clyents tho some of them wou'd much rather pay the Market price if twice that Sum than Tobacco in Specie which people Can't do at some Seasons of the year without great Inconvenience Especially when their own Tobacco is disposed of and they are Obligated to buy of Others at a disadvantage,

Then the Lawyer is reduced to the unhappy necessity of puting his p. 193 Clyent to Inconvenience thereby disobliging him & loose his business or give up a part of his right by selling at any under rate, People are Encouraged to make or deal in any sort of Commodity that is sometimes of Very Little Value in Expectation of its Advanceing & of their receiveing the full benefit of that Advance which tis presumed every one has an undoubted Right to as well as to dispose of every thing that he has any Property in to his best Advantage. But this Act of Assembly tho' it allows a person [that] Practices the Law a Certain quantity of Tobacco for his fees yet it restrains him from selling that Tobacco for above such a price which restraint will appear to be the more unequal & unjust when it is Considered (that as the fact really is) Tobacco is a Very Precarious Commodity and Sometimes not worth four shillings p Cent in many parts of the

L. H. J. Country & very few buyers at any price; And that then the Lawyer will be sure to have his fees paid him in Tobacco when it is not of any Service; But when it is Valuable he is Excluded a Share of the Common benefit besides the hardship put upon the Lawyers the Cly-ents are Deprived of the Service of those Lawyers that they Actually employed and pay fees to in the Business now depending and that will not Qualify themselves by taking the Oath Prescribed which Very few of the Profession that are not induced thereto by mere Necessity or Very Ignorant will do and those that trade into the Province (tho it is known that the Inhabitants Cannot Subsist without being Sup-plied by them) are put under unheard of Difficulties and hardships by the following Provisoe.

Provided that this Act nor any thing therein Contained shall Extend nor be Construed to Extend to hinder any Person or Persons resident beyond the Seas or in any of the Neighbouring Provinces or Collonies being Plaintiff or Defendant in any Action hereafter to be Commenced who are not Actually in this Province or repre-sented by their Agents or Attornys in fact at the time of Com-mencing such Action from Prosecuting or Defending their Action aforesaid without being Tied down to the taking the Oath or Affirmation (if a Quaker) of Plaintiff or Defendant aforesaid any-thing in this Act to the Contrary Notwithstanding.

Tho' Seemingly made in favour of non Residents yet as it is Penned it is Conceived puts them under this Dilemma that if they have Agents or Attornys in fact in the Country they (the non Residents) are Obligated to take the Oath of Plaintiff or Defendant themselves within this Province if they have not Agents or Attornys in fact they need not Swear But then they are Incapable of suing or Defending themselves from any Suits Commenced against them (which are Common in Order to Attack their Effects) without some
 p. 194 Person to Represent them. This Dilemma will remain as long as the Law remains in force & Whether that should be for the whole three years or a Shorter time the non Residents will be great Sufferers it being very Certain that the least Obstruction in recovering or Securing a Debt is Very often the Loss of it these things being promised it is thought necessary to add that the Province of Mary-land was Granted by his Late Majesty King Charles the first of Blessed Memory to his Lordship the Lord Baltemore by a Charter under the great Seal of England & that the better to Encourage people to Come into the Province & reside in it besides the power granted to the Lord Proprietor Several Very Simple Priviledges are Granted by the Royal Charter to the people such as the Participation of all the Rights Libertys & Priviledges of English Subjects in the Strongest and most Comprehensive Terms & that nothing may be wanting for the good Government & Happiness of the Country the Lord Proprietary with the Assent of the freemen or there Rep-resentatives are Empowered to make and Enact Laws to enforce

Obedience to those Laws & to Punish the Transgressors of them L. H. J. under this Express proviso Provided Nevertheless that the said Laws be Consonant to Reason and be not Repugnant or Contrary but as near as Conveniently may be Agreeable to the Laws Statutes Customs & Right of this our Kingdom of England, It is Conceived that this Act of Assembly is neither Consonant to Reason nor Agreeable to the Laws of England And it Cannot be pretended that the Circumstance of the Country when the Act was made rendered it Necessary to make that or any other Law Dissonant to Reason or repugnant or Contrary to the Law of England nor were there any Complaints of the Matters Suggested in the Preamble of the said Act that appears by the Proceedings of the Assembly nor was any one Practitioner of the Law Charged before them with Exacting more than the Law Allowed or Called upon to Answer any Such Complaint

1 Qu. Whether the Oath prescribed by this Act of Assembly is not inconsistent in it Self (if Intelligible the former part of it being an Absolute Negative as to the taking any thing at all for the Services &c. in the Law tho the Latter part of it Mentions & Limitts fees that may be taken).

The Intention of the Legislature in directing this Oath Appears to be, that the Practisers of the Law should swear not to take any Other fees Except Such as are Allowed by this Act of Assembly, But it is penned in Such a manner as to be Liable to the Objection Mentioned in this Query and is Insensible

2 Qu^r Whether it is Just reasonable or Agreeable to the Laws of p. 195 England to Oblige a Man to Swear he will not Receive the Value of his Labour & Pains in his Lawfull Calling tho' his Employer thinks he well deserves it & Offers it him.

Attornys being in the Nature of Ministers to Courts of Justice, it may be reasonable to Limit & Settle their fees & to Prevent Secret Methods of Extortion; if such were Growing up, it may not be against reason to restrain them in Some Instances from taking more, tho' it should be offered, But I Conceive that the Provision made for that purpose by this Act is unreasonable, because it Directs one Entire fee to be taken for Prosecuting or Defending any Suit from the beginning to the End of it, Whereas the Labour and pains in Attending a Suit will Differ according to the Length of it and the Method and Practices Used by the Adversary, for which reason the Reward Ought to Differ, it Seems to me that the Proper Provision would have been to Establish Certain fees for the Particular Services or part of Business to be done by an Attorney or Lawyer in any Suit.

3 Qu^r Whether every British Subject has not a right to dispose of his Own in what manner to whom and in What Proportion he Pleases for any Lawful Services done him Whether it is not Inconsistent with that Right to put any Subject under a Restraint of rewarding a Person that has Acted faithfully and honestly in his

L. H. J. Profession & been Very Serviceable to that Subject who is Sensible of it and would give a reward Adequate to the Service done and Whether it is not Lawful to give any Person a Gratuity to Encourage him to be just and Diligent in his Profession and Unlawful and unjust to restrain any Person from so doing.

There can be no doubt but every Subject has a right to dispose of his own property but that Right is Subject to the Controul of the Legislature in particular Instances who for Just reason is to prevent Secret ways of Extortion and the Excessive enhancing of fees may Prohibit one from giveing and the Other from receiving more than such a Certain fixed Sum. But then, the reasons for doing this ought to Appear Very Strong & Cogent and to be made out by Evidence of facts.

4. Qu^r Whether it be agreeable to reason to the Law of England or the Liberty of a Subject to divest Men of their Property and the Lawful Means of Supporting themselves & familys with bread who
p. 196 are not so much as Charged with having Transgressed any known Law or to put men of any Lawful Profession or Calling that are not Convict of any Misbehaviour in their Calling nor of Transgressing any known Law of the Land under any worse Circumstances as to their Property than the rest of their fellow Subjects.

I think this would be unreasonable.

5. Qu^r Whether is is Agreeable to the Law of England or the Liberty of a Brittish Subject that he should be proceeded against & Condemned in a Sumary way where the fine is Very Considerable and Perhaps the Very persons that are to be his Judges are his Adversarys & to deprive him of a Tryal by Jury which is Conceived to be his birth right without any Apparent necessity.

I think it is not agreeable to the Law of England to direct Penalties of this kind, Especially of such Value to be recovered in a Sumary way, that in this Case the Partie Ought not to be deprived of a Trial by Jury. But the Provision for recovering this Penaltie is Extreemly imperfect no Method of Proceeding or Levying the Penaltie when recovered being directed by the Act.

6. Qu^r Whether the Prohibiting a man from Prosecuting or Defending any Action brought by or against him puts him not in a worse Circumstance than that of out Lawry or Excommunication and whether in reason or Justice the refusing the Oath proposed ought to be punished with such Severities.

This Provision seems to me to be too Severe & in all respects Improper

7 Qu^r Whether the Act of Assembly now under Consideration be not dissonant to reason and repugnant to the Law of England & whether the Enacting such Laws be not Contrary to the provisoe in the Charter.

I am of the Opinion that this Act of Assembly is not Agreeable to reason and therefore is Contrary to the Proviso in the Charter.

Apr 9: 1726

P. Yorke

L. H. J.
[This
opinion is
printed in
Chalmers'
Opinions,
p. 208]
p. 197

Mr Talbot the Sollicitor General's Opinion on those who practice the Law in Maryland on an Act past in the year 1725.

1 Qu^r Ans^d It is not properly Expressed nor can be made Consistent with it Self but by taking the words any greater or other fee &c. to be Explanations of the word any fee in the former part of the Oath.

2. Qu: There is nothing unjust or repugnant to the Laws of England in Obliging a man not to receive for his Labour more than the Stated fees Allowed by the Laws in being but in this Instance it is highly unreasonable and will Introduce Ignorance & Negligence in the professors of the Law and in Consequence prove injurious to the Clients whose Causes frequently depend for their Success upon the Industry and Ability of those who manage them, if there is no Possibility of receiving a reward Adequate to a mans Labour & pains, it is not to be Expected that he should take any to deserve it.

3: Qu: This is Answered in what was said upon the last Query.

4: Qu: I think it Extreemly unreasonable and the former Law which Compels them to Serve for Small Stated fees very Severe.

5: Q: It is unusual and a Precedent of Dangerous Consequence & therefore not proper to be made by a New Law

6: Qu: This seems to be unjust especially with regard to defending Actions which it is in no man's power to prevent being brought against him and which however by this Provision he may be disabled from making a proper defence (if the Law be intended to Extend to those who are not Resident in Maryland which the Proviso seems to Intimate tho' the Enacting part is Confined to the Inhabitants) it is unjust Since they Can neither Sue nor defend properly without having their Agents there, And if they are not there themselves they will have no opportunity of taking the Oath prescribed.

7. Q: I am of Opinion that it is dissonant to Reason and in that Aspect repugnant to the Proviso in the Charter

C: Talbot

John Hall Esq^r from the Upper House delivered to Mr Speaker the Petition of Thomas Worsley Indorsed thus.

By the Upper House of Assembly 26th May 1730

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

L. H. J. The House Adjourns untill to Morrow Morning at Eight of the Clock.

May 27

Wednesday May the 27th 1730.

The House met according to Adjournment

The Members were Called and all Present as yesterday.

The proceedings of Yesterday were read.

The Petition of Thomas Worsley referred here from the Upper House was read & granted.

The Petition of Thomas Palmer an Insolvent Prisoner was read and granted with this Indorsement saving to all persons their right of Action against the Sherrif in whose Custody the prisoner now is for any Escape Prior to the Act.

A Receipt of Thomas Manning from Calvert County being produced under the hands of Vachel Denton and Michael Macnemara for the Sum of thirteen pounds Six Shillings and nine pence for fees Charged by them as Scribes of the Court of Delegates, On reading the same this House Resolved that the receiving those fees is unjust & Exorbitant & an Aggreivance.

The House Adjourns untill Two of the Clock in the Afternoon.

Wednesday at Two of the Clock in the Afternoon

The House met according to Adjournment, The Members were Called & all Present as in the Morning.

On reading the Petition of William Vernon and Keysar Knighton Ordered that Mess^{rs} James Hollyday John Beale and Joshua George be Appointed a Committee to Examine into the Several Allegations in the said Petition & report the same to the House.

The Petition of Edward Parish & John Parish was read & referred to the last Mentioned Gentlemen in Order to make their Report thereon in Relation to the Allegations therein Contained.

The Petition of John Aldridge was read and granted [The text of this message is printed at page 16]

The above Message and Petition was sent to the Upper House by Coll Belt & Cap^t Sprigg who return & say they Delivered the same.

Coll. Greenfeild from the Committee appointed to Consider of a Tobacco Law brought in a Report from the said Committee & read it in his place.

The Report was as followeth [The text of this report is printed at page 14.]

p. 201 Coll^o Rider from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 16.]

And the Petition of John Aldridge Sent to the Upper House from this

The Question being put whether the Number of Plants Allowed L. H. J. to be tended by all Taxables be Six thousand or five thousand, Resolved that the Number be Six thousand

The Question was put Whether those persons who have but four Taxables and Children between the Age of thirteen and Sixteen be Allowed Two thousand five hundred or three thousand Plants, Resolved that they be Allowed two thousand five hundred

Ordered that Coll. Samuel Young Treasurer of the Western Shore pay to M^r John Aldridge Twenty Eight pounds Two Shillings and Six pence Current Money for a Negroe Man belonging to the said Aldridge Executed last year for a Capital Crime.

The Question was put whether a Tobacco Bill shall depend upon the Success of an Officers fee bill or not,

Resolved in the Affirmative.

The House Adjourns untill to Morrow Morning at Eight of the Clock

Thursday May the 28th 1730.

May 28

The House met according to Adjournment, The Members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

Capⁿ Thomas Waughop appeared in the House this day The Question was put whether the Vote Last night put Concerning the Dependence of a Tobacco Bill upon the Success of an Officers fee bill should be reassumed or not.

Resolved in the Affirmative

The Previous Question being Determined the Question was put whether a Tobacco Bill should Depend upon the Success of an Officers fee bill or not. Resolved in the Negative.

M^r Ralph Crabb Appeared in the House this Day.

The following Message [The text of this message is printed at p. 202 page 16.] Was Sent to the Upper House by Coll Greenfeild and M^r Dulany Who return and say they Delivered the same

The Petition of Edward Parish and John Parish referred to a Committee was on the Report of the said Committee referred until next Session

The House Adjourns untill Two of the Clock in the Afternoon

Thursday at Two of the Clock in the Afternoon

The House met according to Adjournment, The Members were called and all Present as in the Morning.

The Bill Entituled an Act Altering the bounds of Two Acres of Land heretofore Granted to Great Choptank parish on which the p. 203

L. H. J. Chappel at Vienna now Stands was read the Second time and passed.

The Bill Entituled an Act for the Laying out of Land and Erecting a Town at a Place Called Broxons point in Cecil County was read the Second time & Passed.

These Two Bills were Sent to the Upper House by M^r George & M^r Taylor. Who return and say they Delivered them.

The Bill Entituled an Act to Enable the High Court of Appeals to Continue an Appeal therein depending between Edward Fottrell and Ann his wife late Ann Lloyd Appellants and David Robinson and Judith his wife John Robinson & Grace his wife and Rebecca Tibbles Defendants was read the first and Second time by an Especial Order and passed and Sent to the Upper House by Mess^{rs} James Hollyday & William Hemsley, Who return and say they delivered the Same.

The Petition of M^r Abraham Johns and Others was read and referred untill next Sessions of Assembly.

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the following Message [The text of this message is printed at page 17.]

p. 204 The Previous Question being Resolved, The Question was put whether any Revenue shall be Settled on the Lord Proprietary in Lieu of Alienation fines and Quit Rents or not.

Resolved in the Affirmative.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

May 29

Friday May the 29th 1730

The House met according to Adjournment The Members were Called and all present as Yesterday,

The proceedings of yesterday were read.

The following Message [The text of this message is printed at page 18.] Was Sent to the Upper House by Coll. Greenfeild and M^r Samuel Hanson who return and say they delivered the Same.

Coll^o Gale, M^r Hollyday, M^r George and M^r Crabb are Appointed to prepare a bill to restrain the ill practices of Attornys.

John Hall Esq^r from the Upper House delivered to M^r Speaker a Petition of the Vestry and Majority of the Parishioners of S^t Pauls parish in Baltemore County Indorsed thus.

By the Upper House of Assembly 29th May 1730

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up Ho.

The Petition of John Nicholson & the Petition of James Mackintosh Severally Indorsed thus, [The text of this endorsement is printed at page 18.] L. H. J.

The Petition of the Vestry and Majority of the parishioners of St Pauls parish in Baltemore County and the Petition of James Mackintosh were Severally read & Granted. p. 205

The Petition of Edmund Jennings and Ariana Jennings was read & granted

The Petition of John Nicholson was read & granted

The House Adjourns untill Two of the Clock in the Afternoon

Friday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all present as in the Morning.

A Bill Entituled an Act to Inroll and Record an Indenture between Mathias Vanbebber of the one part, and Thomas Bordley Esq^r of the Other part was read the first time and Ordered to Lye on the Table

The Bill Entituled an Act to Inroll and Record an Indenture between Mathias Vanbebber of the one part and Thomas Bordley Esq^r of the other part as read the Second time by an Especial Order and passed and Sent to the Upper House by M^r Wharfeild and M^r Worthington, Who return and say they delivered the Same.

The Petition of Thomas Canner is referred until the next Session of Assembly

The Members appointed by this House to join with Some of the Members of the Upper House as a Committee to prepare and bring in a Bill to Emprove the Staple of Tobacco having Reported to this House that the Members of the Upper House Acquainted them that the three pence p Hogshead proposed as an Equivalent to the Lord Proprietary would not be Accepted of unless any Deficiency that should happen by the Execution of the proposed Tobacco Bill besides the said three pence p hogshead were made up, Whereupon the Question was put whether in Case the Appropriating the three pence p Hogshead for Arms during the Continuance of the proposed Tobacco Law to his Lordships Use shall fall Short of making up the Duty of Twenty Eight Thousand five hundred and fifty Six Hogsheads of Tobacco the Deficiency for Two Shillings p Hogshead Payable to his Lordship in Leiu of Rents and Alienation fines should not be made up out of the Mony lying in Bank that hath Arisen on the said Duty of three pence p Hogshead or not. Resolved in the Affirmative. p. 206

The House Adjourns until to Morrow Morning at Eight of the Clock

L. H. J.
May 30

Saturday May the 30th 1730.

The House met according to Adjournment. The Members were Called and all present that were yesterday, The proceedings of Yesterday were read.

The Petition of Alice Macklin an Insolvent Prisoner in Talbot County Gaol was read and Granted.

Coll^o Greenfeild from the Committee of both Houses Reported to this House that the Committee appointed by the Upper House Informed them that they Could not Agree with the proposals of this House Concerning the Equivalency

The Question was put whether an Equivalent to the Lord Proprietary shall be raised upon the Twelve pence p Hogshead now Applied for the Support of Government or not, Resolved in the Affirmative

The Question was put Whether the Tobacco Law shall be Limited to the Continuance of two Years or one year, Resolved that it Continue for two years. Coll. Rider from the Upper House delivered to M^r Speaker the Petition of Thomas Howard Indorsed thus.

By the Upper House of Assembly May 30th 1730

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

Which Petition was read here and Granted.

The House Adjourns until two of the Clock in the Afternoon

Saturday at Two of the Clock in the Afternoon

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

M^r William Hemsley's Wife being Very ill he had leave given him to go home.

M^r Crabb, M^r Magruder, Coll. Belt, Cap^t Sprigg, and M^r Courts have the leave of the house to be Absent until Monday.

p. 207 A Bill Entituled an Act to make and Emit Twenty four thousand pounds Currant Mony of Maryland in Bills of Credit and for Easing the Inhabitants of this Province in the payment of Debts & to raise a fund to Sink the said Bills of Credit was read the first time and Ordered to Lye on the Table.

The House Adjourns until Monday Morning at Eight of the Clock.

June 1

Monday 1st of June 1730.

The House met according to Adjournment. The Members were Called and all Present as on Saturday in the Afternoon Except M^r Crabb and M^r Hemsley.

The proceedings of Saturday were read

L. H. J.

The Petition of Thomas Spaldin Jun^r of St Marys County was read & Granted.

The House Adjourns until Two of the Clock in the Afternoon

Monday at Two of the Clock in the Afternoon.

The House met according to Adjournm^t

The Members were Called and all Present as in the Morning.

M^r William Hemsley appeared in the House this Afternoon

Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the Petition of Charles Slye Indorsed thus.

By the Upper House of Assembly 30th May 1730

Read and recommended to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

On reading the Petition of Charles Slye recommended here from the Upper House.

The Question was put whether the said Petition should be Granted or Rejected, Resolved that it be Rejected.

A Bill Entituled an Act for the Naturalization of John Hendrickson a Native of Rotherdam in Holland now an Inhabitant of Kent County in Maryland and John Samuel Rachell Mary Mildred Margaret Martha Rebecca Hannah & Ruth Children of the Aforesaid John Hendrickson. Was read the first time and Ordered to Lye on the Table.

A Petition of Kennith Mackenny of Charles County was read and referred untill next Session

Ordered that no Petition be received in this House this Session after Next Wednesday.

Coll^o Gale from the Committee appointed to prepare a Bill relating to Attornys brought in a Bill Entituled an Act to Ascertain the fees of Practitioners of the Law within this Province and to prevent Extortions frauds and Abuses therein which was read the first time & Ordered to Lye on the Table. p. 208

A Bill Entituled an Act to Adjourn Baltemore County Court and for the Continuance of the Suits process and proceedings therein was read the first and Second time by an Especial Order and passed.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Tuesday June the 2^d 1730.

June 2

The House met according to Adjournment

L. H. J. The Members were Called and all Present as Yesterday.

The proceedings of Yesterday were read.

The Bill Entituled an Act to Adjourn Baltemore County Court and for the Continuance of the Suits process and proceedings therein, Was Sent to the Upper House by M^r Tolley and M^r Hamilton, Who return & say they delivered the same.

Coll^o Ward from the Upper House delivered to M^r Speaker the Petition of Zachariah MacCubbin Indorsed thus.

By the Upper House of Assembly 2^d June 1730

Read and recommended to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

The Bill Entituled an Act to Emit Twenty four thousand pounds in Bills of Credit &c. was read the Second time and passed and Sent to the Upper House by M^r George and four more, Who return and say they delivered the Same

M^r Knight hath Leave to go home his wife being dangerously sick. The House Adjourns untill Two of the Clock in the Afternoon.

Tuesday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were called and all Present as in the Morning Except M^r Knight.

A Bill Entituled an Act for Cutting of the Entail and Investing an Estate of Inheritance in fee Simple of a Tract of Land called Exeter in Henry Wharton of S^t Marys County Gentleman and his Wife and to Entail other Lands lying in Saint Marys County in Leiu
p. 209 thereof was read the first & Second time by an Especial Order & Passed and Sent to the Upper House by M^r Waughop and M^r Young, Who return and say they delivered the Same.

The Petition of John Gresham was read and Granted

The Petition of Coll^o Ephraim Augustine Herman was read & Granted

The Bill Entituled an Act for the Naturalization of John Hendrickson a Native of Rotterdam in Holland now an Inhabitant of Kent County in Maryland and John Samuel Rachell Mary Mildred Margaret Martha Rebecca Hannah and Ruth Children of the afore-said John Hendrickson was read the Second time and passed and Sent to the Upper House by M^r Wilson and Captain Blackistone, Who return & say they delivered the same.

No Business lying before the Committee of Aggrievances to Transact the Committee are Ordered to Acquaint the Clerk they have no Occasion to Employ him any Longer

The House Adjourns untill to Morrow Morning at Eight of the L. H. J. Clock

Wednesday June the 3^d 1730.

June 3

The House met according to Adjournment, The Members were Called and all Present that were yesterday in the Afternoon except M^r Edmondson

The proceedings of yesterday were read.

A Bill Entituled an Act to Record a Deed of Bargain & Sale made by Thomas Humphreys Esq^r & Mary his wife to John Gresham Esq^r was read the first & Second time by an Especial Order and passed, and Sent to the Upper House by Captain Gordon and M^r Chamberlain, Who return and say they delivered the same

Coll^o Rider from the Upper House delivered to M^r Speaker the Petition of William Gray Indorsed thus,

By the Upper House of Assembly 3^d June 1730

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

Which Petition was read here and Granted.

Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the bill Entituled an Act for the Naturalization of John Hendrickson a Native of Rotherdam in Holland now an Inhabitant p. 210 of Kent County in Maryland & John Samuel Rachell Mary Mildred Margaret Martha Rebecca Hannah and Ruth Children of the afore-said John Hendrickson Indorsed thus.

By the Upper House of Assembly 2^d June 1730

Read the first time and Ordered to Lye on the Table

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [For the text of this endorsement see page 22.]

The said Bill was read here and passed for Ingrossing.

John Rousby Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Record a Deed of Bargain & Sale made by Thomas Humphreys Esq^r and Mary his wife to John Gresham Esq^r Indorsed thus. [For the text of this endorsement see page 22.]

Which bill was read here and passed for Ingrossing.

Coll^o Ward from the Upper House delivered to M^r Speaker the bill Entituled an Act to Adjourn Baltemore County Courts and for the Continuance of Suits process and proceedings therein Indorsed thus,

By the Upper House of Assembly 2^d June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

L. H. J. And thus, [For the text of this endorsement see page 22.]
Which said Bill was read here and passed for Ingrossing.
The House Adjourns untill Two of the Clock in the Afternoon

Wednesday at Two of the Clock in the Afternoon

The House met according to Adjournment, The Members were called & all Present as in the Morning.

p. 211 Coll^o Greenfeild from the Committee of both Houses appointed to prepare a Tobacco bill brought in the following one, Viz.

A Bill Entituled an Act for Improving the Staple of Tobacco and for Continuing part of an Act Ascertainning the Gauge and Tare of Tobacco Hogsheads and to prevent Cropping Cutting & defacing Tobacco taken on board Ships or Vessells upon freight and for laying Impositions on Tobacco p the Hogshead for the Support of Government and for the encouraging Settlement in this Province by Ascertainning the Manner of paying his Lordships Alienation fines and Quit Rents for the Term therein Proposed & for the taking of the three pence p Hogshead formerly raised for the Publick Charge, Which was read the first time and Ordered to Lye on the Table.

Coll^o Tilghman from the Upper House delivered to M^r Speaker the Petition of James Peerman Indorsed thus.

By the Upper House of Assembly 3^d June 1730

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order Jn^o Ross Cl. Up. Ho.

The Petition of Thomas Davis and Anthony Oneallis Severally Indorsed thus [The text of this endorsement is printed at page 23.]

And the Bill Entituled an Act Altering the bounds of Two Acres of Land heretofore Granted to Great Choptank Parish on which the Chappell at Vienna now Stands Indorsed thus,

By the Upper House of Assembly 28th May 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [For the text of this endorsement see page 23.]

p. 212 Philemon Lloyd Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act to Enable the High Court of Appeals to Continue an Appeal therein depending between Edward Fottrell and Ann his wife Late Ann Lloyd Appellants & David

Robinson and Judith his wife John Robinson and Grace his wife and L. H. J. Rebecca Tibbles Defendants Indorsed thus.

By the Upper House of Assembly 28th May 1730

Read the first time and Ordered to Lye on the Table

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 24.]

Which bill was read here and passed for Ingrossing.

The Petition of James Peerman referred here from the Upper House was read & granted

The Petition of Anthony Oneallis referred here from the Upper House was read & granted.

The Petition of Thomas Davis referred here from the Upper House was read & Granted

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Thursday June the 4th 1730.

June 4

The House met according to Adjournment, The Members were Called and all Present as Yesterday, The proceedings of yesterday were read

M^r Edmundson appeared in the House this day.

The Bill Entituled an Act to Ascertain the fees of the Practitioners of the Law within this Province and to Prevent Extortions frauds and Abuses therein, Was read the Second time and passed and Sent to the Upper House by Coll^o Gale & M^r Hollyday and M^r George, Who return and say they delivered the same.

The Petition of John Smith in Prince Georges County Gaol was read and Granted.

John Hall Esq^r from the Upper House delivered to M^r Speaker the bill Entituled an Act for the Laying out of Land and Erecting a Town at a place Called Broxons Point in Cecil County Indorsed thus.

By the Upper House of Assembly 28th May 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 24.] p. 213

Coll^o Rider from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 25.]

L. H. J. The Bill Entituled an Act for Improving the Staple of Tobacco &c. was read & Ordered to be thus Indorsed Viz.

By the Lower House of Assembly June the 4th 1730.

Read and with the Amendments herewith Sent will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

The House Adjourns untill Two of the Clock in the Afternoon.

Thursday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all present as in the Morning

The Bill Entituled an Act for Improving the Staple of Tobacco &c. was Sent to the Upper House by Coll Greenfeild and Eleven more, Who return and say they delivered the Same.

The following Message [The text of this message is printed at page 25.] Was Sent to the Upper House by M^r Beale and Maj^r p. 214 King Who return and say they Delivered the same

Ordered that the Committee of Laws make Inspection into the form of Oath of Judge and Justice and make report thereof to the House

The Bill Entituled an Act Altering the bounds of Two Acres of Land heretofore Granted to Great Choptank Parish on which the Chappell at Vienna now stands, Was read and with the Amendments Proposed by the Upper House passed for Ingrossing.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

June 5

Friday June the 5th 1730

The House met according to Adjournment. The Members were Called and all Present as yesterday. The proceedings of Yesterday were read.

A Bill Entituled an Act to Limitt the time for Shipping Tobacco was read the first time and Ordered to Lye on the Table.

A Bill Entituled an Act to Confirm two Deeds of Sale the one from George Oldfeild and Petronella his Wife and the other from Richard Carr Son and Heir at Law to a Certain John Carr of Cecil County deceased to Casparus Augustine Herman. Was read the first and Second time by an Especial Order and passed and Sent to the Upper House by M^r Johnson and M^r George. Who return & say they delivered the same.

The Bill Entituled an Act to Limitt the time for Shipping Tobacco was by an Especial Order Read the Second time & thrown out.

James Hollyday Esq^r hath Leave to be Absent untill Monday. L. H. J. Coll^o Gale is Added to the Committee to Inspect into the Allegations Contained in William Vernon and Keysar Knighton their Petition

Daniel Dulany Esq^r from the Committee of Laws Appointed to p. 215 make an Inspection into the nature of Oath of Judge or Justice brought in their Report read it in his place & Delivered it in at the board. (The Report was this Viz)

By the Committee of Laws June the 5th 1730

Your Committee having Considered the Oath of Judge or Justice recommended by the Right Honourable the Lord Proprietary which is Entred on the Journal of October Sessions One thousand Seven hundred & Twenty Eight the Observations made thereon which were then Reported to the House and Concurred in what was mentioned in the Address of this House to the Governour and in the Several Messages Sent to the Upper House We Cannot conceive it consistent with the Safety of the People to have the Oath so recommended Established by Act of Assembly for the reasons appearing on the said Journal, which We see no Cause to recede from, However to put the best and Speediest End to an Affair of the Last Consequence to the Country that we Can, by Avoiding disputes about any particular words or Phrases Provided we have the benefit of the Laws of our Mother Country Secured to us without which your Committee conceive We cannot be Secure in any thing.

Your Committee propose the following Alteration,

That instead of these words Viz. According to the Laws Statutes and reasonable Customs of England Agreeable to the Usage and Constitution of this Province the following words be incerted Viz.

According to the Reasonable Customs of England and the Laws and Statutes thereof as are or shall hereafter be Enacted agreeable to the Usage or Constitution of this Province.

And Submit the same to the Consideration of the House.

Signed p Order W^m Ghiselin Cl. Com.

The House unanimously Concurred with the said Report and ordered the Committee of Laws to prepare a bill to Ascertain the form of Oath of Judge or Justice Conformable thereof.

Ordered that the Committee of Laws prepare a bill to Confirm p. 216 the payments made under the late Tobacco Law.

The House Adjourned untill Two of the Clock in the Afternoon

Friday at Two of the Clock in the Afternoon.

The House met According to Adjournment, The Members were Called and Present as in the Morning Except M^r Mathews.

L. H. J. Daniel Dulany Esq^r from the Committee of Laws delivered to M^r Speaker a Bill Entituled an Act for Ascertaining the form of the Oath of Judge or Justice, Which Bill was read the first & Second time by an Especial Order and passed and Sent to the Upper House by Coll. Greenfeild and Twenty three more, They return and acquaint M^r Speaker with the Delivery of their Message.

Coll Gale was Added to the Committee of Laws.

Ordered that Daniel Dulany Esq^r Prepare a Supplementary bill to the Act for the Advancement of Justice.

The Question was put that an Alteration be made to the Law Concerning the Supersedeas of Executions.

Resolved in the Negative.

The Question was Put that an Alteration be made in the Present Condition of Sherrifs bonds given for the Execution of their Office Resolved in the Affirmative.

Ordered that the Committee of Laws prepare a bill Accordingly

Coll^o Gale from the Committee appointed to Inspect the Allegations in William Vernon and Keysar Knighton their petition brought in their Report read it in his place and Delivered it in at the board (The Report was as followeth)

Your Committee having taken into Consideration the Petition of William Vernon think reasonable the same may be granted, but in regard the Land proposed to be given in Lieu of the Land Mentioned in the Petition is Uncultivated and that Possibly disputes may hereafter Arise in relation to the Same they propose that a Clause
p. 217 may be in the Bill making void the Same in Case Keysar Knighton or his heirs shall ever by Law be dispossessed of the Land proposed to be Conveyed to him for want of Sufficient Title in the said Vernon. Which is Submitted to the Consideration of the House

5th June 1730

Levin Gale
John Beale
Jos: George

The House Approved of the said Report with an Amendement and gave Leave for a Bill to be brought in Consonant to the said Report & Amendement.

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker a Petition of Richard Bennett Esq^r Indorsed thus.

By the Upper House of Assembly 5th June 1730

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl Up Ho.

On reading the said Petition of Richard Bennett the Question was L. H. J. put that a Committee be Appointed to Examine into the Allegations of the said Petition Resolved in the Negative.

Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Confirm two Deeds of Sale the one from George Oldfeild and Petronella his wife and the Other from Richard Carr son and Heir at Law to a Certain John Carr of Cecil County Deceased to Casparus Augustine Herman Indorsed thus. [The text of this endorsement is printed at page 27.]

Which Bill was read here and passed for Ingrossing.

The following Message [The text of this message is printed at page 27.] Was sent to the Upper House by Maj^r King and three p. 218 more. Who return and Acquaint M^r Speaker they delivered the Same

M^r Key delivered to M^r Speaker a Bill Entituled a Supplementary Act to the Act Entituled an Act for the Laying out of Land and Erecting a Town in Saint Marys County at a place Called Seymour Town

Which Bill was read the first and Second time by an Especial Order and passed and Sent to the Upper House by Capⁿ Waughop and M^r Young. Who return and say they Delivered the Same

John Rousby Esq^r from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 28.]

The House Adjourns untill to Morrow Morning at Eight of the Clock

Saturday June the 6th 1730.

June 6

The House met according to Adjournm^t

The Members were Called and all Present as Yesterday in the Afternoon

The Proceedings of Yesterday were read.

M^r Matthews Appeared in the House this Morning

The Petition of Richard Bennett Esq^r was read & Granted

Coll^o Gale Delivered to M^r Speaker a Bill Entituled an Act for the p. 219 Releif of James Peerman a prisoner in Ann arundell County Gaol which bill was read the first & Second time by an Especial Order and passed & Sent to the Upper House by M^r Wharfeild and M^r Worthington, Who return and say they Delivered the Same

The Question was put that the bounty given by Act of Assembly to Manufactors of Hemp, be a provincial Charge Resolved in the Negative

M^r Taylor had Leave to go home.

L. H. J. M^r George from the Committee of Laws delivered to M^r Speaker a bill Entituled an Act for the Releif of Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, and James Mackintosh Languishing Prisoners in Ann arundell County Gaol, Thomas Palmer a Languishing Prisoner in the Gaol of the City of Annapolis William Gray, Thomas Davis, John Smith and Anthony Oneallis Languishing Prisoners in Prince Georges County Gaol; and John Libby and Alice Macklin Languishing Prisoners in Talbot County Gaol, Which was read the first time and Ordered to Lye on the Table.

The House Adjourns untill Two of the Clock in the Afternoon

Saturday at Two of the Clock in the Afternoon

The House met According to Adjournment, The Members were Called and all Present as in the Morning Except M^r Taylor

Ordered that M^r Ungles Bond given to Execute the Office of Treasurer of the Eastern Shore but not put in Suit untill further Direction from the House for any Mony due to defray the Publick Charge.

Ordered that the Clerk of this House Enter the Journal of Accounts & the Treasurers Accounts upon the Journal of every Session

Coll^o Greenfeild from the Committee of Laws delivered to M^r Speaker a Bill Entitled a Supplementary Act to the Act for Advancement of Justice, And a Bill Entituled an Explanatory Act of the Act for the Direction of Sherrifs in their Offices & restraining their ill Practices within this Province which said Bills were read the first time & Ordered to Lye on the Table

The House Adjourns untill Monday Morning at Eight of the Clock.

June 8

Monday June the 8th 1730.

The House met according to Adjournment, The Members were Called & all present as on Saturday in the Afternoon. The proceedings of Saturday were read.

Mr. Crabb appeared in the House

The Bill entituled an Act for the Releif of Thomas Worsley &c. was read & committed for Amendments.

The Bill Entituled a Supplementary Act to the Act Entituled an Act for the Advancement of Justice, was read the Second time & passed and Sent to the Upper House by M^r Crabb & Coll^o Herman.

Who return and say they Delivered the Same

The Bill Entituled an Explanatory Act of the Act for the Direction of Sherriffs in their Offices and restraining their ill Practices within this Province was read and Committed for Amendments

Coll^o Ward from the Upper House delivered to M^r Speaker the L. H. J. bill Entituled an Act for the Releif of James Peerman a prisoner in Ann Arundell County Gaol Indorsed thus.

By the Upper House of Assembly 6th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 29.]

And the Bill Entituled a Supplementary Act to the Act Entituled an Act for the Laying out of Land and Erecting a Town in S^t Marys County at a Place formerly Called Seymour Town, Indorsed thus

By the Upper House of Assembly 6th June 1730

Read the first time & Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus Indorsed. [The text of this endorsement is printed at page 29.]

The Bill Entituled an Act for the Releif of James Peerman &c. pa 221 was read here and passed for Ingrossing.

The Bill Entituled an Explanatory Act of the Act for the Direction of Sherrifs in their Offices and restraining their ill practices within this Province, was Read and Passed and Sent to the Upper House by M^r George & M^r Chamberlain, Who return and say they Delivered the same.

The following Message [The text of this message is printed at page 30.] Was sent to the Upper House with the Bill Entituled a Supplementary Act to the Act Entituled an Act for the Laying out of Land and Erecting a Town in Saint Marys County at a place formerly called Seymour Town by Capⁿ Waughop and M^r Young, Who return & say they Delivered the same.

Coll^o Tilghman from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 31.]

The following Message [The text of this message is printed p. 222 at page 31.] Was Sent to the Upper House by M^r Samuel Hanson & M^r Key Who return & say they Delivered the same

A Bill Entituled an Act to Cut of an Entail of a Tract of Land Called Marshes Seat Lying in Ann Arundell County and to Invest William Vernon with an Estate in fee symple in the said Tract of Land & to Settle a parcell of Land being part of three tracts of Land called Happy Choice Clerks Groves and the Addition to Clerks Groves lying in Prince Georges County on Thomas Knighton and the

L. H. J. Heirs of his Body in Leiu thereof was read the first & Second time by an Especial Order & Passed and Sent to the Upper House by M^r Beale and M^r Wharfeild, Who return and say they Delivered the Same

The following Message [The text of this message is printed p. 223 at page 32.] Was sent to the Upper House by Capⁿ Gordon & Maj^r Hanson, Who return and say they delivered the same.

The House Adjourns untill Two of the Clock in the Afternoon

Monday at Two of the Clock in the Afternoon

The House met according to Adjournment, The Members were Called & all Present as the Morning Except M^r Johnson

James Hollyday Esq^r appeared in the House this Afternoon

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 32.]

Coll^o Greenfeild from the Conference of both Houses reported that the Gentlemen from the Upper House Insisted that if a Deficiency should happen in the Equivalency to the Lord Proprietary in the manner its now proposed that it be made up some other way with which this House Concurred.

That there be no deduction of Debts untill the year 1728 This the House Disapproved of that the Officers fees be allowed according to the Settlement in 1719 and that the fourth part Deducted be allowed for in Grain, to this the House Disagreed

The Question was put that there be a Reduction of a fourth part of all Country Tobacco Debts and the part Deducted paid in Grain at Stated prices, Resolved in the Affirmative

Ordered that the Conferrees of this House be Instructed to Acquaint those of the Upper House that this House will come into no Regulation of Officers fees but that made in 1725

p. 224 Ordered that they Propose a man having one Taxable be Allowed Ten Thousand Plants for himself and four thousand for his Wife.

Ordered that they be Instructed to propose that the parsons Grain be paid at the Parsonage House if he lives in the parish and if he does not that it be paid where the Vestry shall appoint

M^r George delivered to M^r Speaker a bill for Laying out the Town a new, Commonly called Chester Town in Kent County and for Ascertaining the bounds thereof, Which was read the first time & Ordered to Lye on the Table.

The Question was put that a Bill be brought into restrain People from raising Hogs in Towns Except they do it upon their own Lots. Resolved in the Affirmative

John Hall Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled a Supplementary Act to the Act Entituled an Act

for the Laying out of Land and Erecting a Town in Saint Marys L. H. J. County at a place formerly Called Seymour Town and the following Message. [The text of this message is printed at page 32.]

The House Adjourns untill to Morrow Morning at Eight of the p. 225 Clock.

Tuesday June the 9th 1730.

June 9

The House met according to Adjournment The Members were Called and all Present as yesterday in the Afternoon The proceedings of yesterday were read. The Question was put that a penny Current Mony p Annum be reserved for the Lord Proprietary on Each Lot in Leonard Town. Resolved in the Affirmative

The question was put that a penny Currant Mony p Annum be reserved to the Lord Proprietary on all Lots in Chester Town. Resolved in the Affirmative.

Coll^o Greenfeild from the Conference of both Houses brought in the Report of the Conferrees read it in his place and Delivered it in at the board.

(The Report was as followeth) [The text of this report is printed at page 33.]

The Bill Entituled an Act for Laying out the Town a new, Com- p. 226 monly called Chester Town in Kent County and for Ascertaining the bounds thereof was read the Second time & Passed and Sent to the Upper House by James Harris Esq^r & M^r Phillip Kennard, Who return & say they delivered the Same.

The Petition of Edmund Benson was read & granted. Daniel Dulany Esq^r from the Committee of Laws brought in the bill Entituled an Act for the Releif of Thomas Worsley &c. Which had been Committed for Amendments the said Bill was read the first & Second time by an Especial Order & Passed and Sent to the Upper House by Maj^r Turbutt & M^r Thompson, Who return & say they delivered the same

Coll^o Greenfeild from the Committee of Laws delivered to M^r Speaker a Bill Entituled an Act for the further Direction of the Sherriffs within this Province in their Collections this present year, Which Bill was read the first time & Ordered to Lye on the Table.

Coll^o Holland, John Hall Esq^r Coll^o Ward and John Rousby Esq^r from the Upper House delivered to M^r Speaker the bill Entituled an Act for Ascertaining the form of the Oath of Judge or Justice Indorsed thus

By the Upper House of Assembly 6th June 1730,

Read the first time & Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

L. H. J. And thus. [The text of this endorsement is printed at page 34.]
Which Bill was read here & passed for Ingrossing.

Philemon Lloyd Esq^r Coll^o Tilghman and Phillip Lee Esq^r from
the Upper House delivered to M^r Speaker the bill Entituled an Act
for Improving the Staple of Tobacco &c. Indorsed thus,

By the Upper House of Assembly 5th June 1730.

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

p. 227 And thus. [The text of this endorsement is printed at page 35.]
The House Adjourns untill Two of the Clock in the Afternoon.

Tuesday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were
Called and all Present as in the morning.

The Bill Entituled an Act for the further Direction of the Sher-
riffs &c. was read and Committed for Amendments.

The Bill Entituled a Supplementary Act to the Act Entituled an
Act for the Laying out Land and Erecting a Town in Saint Marys
County at a place formerly Called Seymour Town was read and
passed with the Amendments proposed by the Upper House for
Ingrossing.

The Bill Entituled an Act for Emproving the Staple of Tobacco
&c^a Indorsed thus. [The text of this endorsement is printed at
page 36.]

p. 228 And the following Amendments. [The text of these amendments
is printed at page 36.] Were sent to the Upper House by Coll^o
Greenfeild and five more. Who return and say they delivered the
same.

The Bill Entituled an Act for the further Direction of the Sher-
riffs within this province in their Collections this present year which
had been Committed for Amendments was read the first and Second
time by an Especial Order and Passed and Sent to the Upper House
by Maj^r King & M^r Hemsley, Who return and say they delivered
the same

p. 229 A Bill Entituled an Act to Record and make Valid in Law a Deed
from John Watmore to a Certain William Dare the father, and
Sale to be made of Certain Lands therein Mentioned by the Surviving
Executor of William Dare the Son, Was read the first & Second time
by an Especial Order and passed & Sent to the Upper House by

Coll^o Herman & Capⁿ Blackistone, who return & say they delivered L. H. J. the Same

Philemon Lloyd Esq^r Coll^o Tilghman & Phillip Lee Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act for Emproving the Staple of Tobacco &c^a

And the following Message. [The text of this message is printed at page 37.]

The Bill Entituled an Act for Emproving the Staple of Tobacco &c was read and Passed for Ingrossing.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Wednesday June the 10th 1730.

June 10

The House met according to Adjournment

The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

M^r Johnson Appeared in the House this day.

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Cut of an Entail of a Tract of Land Called Marshes Seat &c. Indorsed thus.

By the Upper House of Assembly 8th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl Up. Ho.

And thus, [The text of this endorsement is printed at page 37.]

Which Bill was read here and passed for Ingrossing

M^r George from the Committee delivered to M^r Speaker an Ingrossed Bill Entituled an Act for Ascertaining the form of the Oath of Judge or Justice

An Ingrossed Bill Entituled an Act Altering the bounds of two p. 230 Acres of Land heretofore Granted to Great Choptank Parish on which the Chappell in Vienna Stands.

An Ingrossed bill Entituled an Act to Enable the High Court of Appeals to Continue an Appeal therein depending between Edward Fottrell and Ann his wife late Ann Lloyd Appellants & David Robinson and Judith his wife John Robinson and Grace his wife and Rebecca Tibbles Defendants which were severally read & Assented to & Sent to the Upper House with the Paper Bills thereof by M^r Crabb and M^r Scott. Who return and Say they Delivered the Same.

John Hall Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Inroll and Record an Indenture between

L. H. J. Mathias Vanbebbber of the one part and Thomas Bordley Esq^r of the other part. Indorsed thus,

By the Upper House of Assembly 29th May 1730

Read the first time and Ordered to Lye on the Table.

Signed p order Jn^o Ross Cl. Up. Ho.

And Indorsed thus. [The text of this endorsment is printed at page 38.]

Which Bill was read here and Passed for Ingrossing

An Ingrossed Bill Entituled an Act for the Releif of James Peer-man a Prisoner in Ann arundell County Gaol.

An Ingrossed Bill Entituled a Supplementary Act to the Act Entituled an Act for the Laying out Land and Erecting a Town in Saint Marys County at a Place formerly called Seymour Town

An Ingrossed Bill Entituled an Act for the Laying out of Land and Erecting a Town at a Place Called Broxons point in Cecil County were Severally read and Assented to & Sent to the Upper House with the Paper bills thereof by Maj^r Turbutt and M^r Thompson.

Who return and say they Delivered the same.

Ordered that the Committee of Accounts Close their Journal on Saturday next.

p. 231 A Bill Entituled an Act for the building a Church in Baltemore County and in a Town Called Baltemore Town in St Pauls Parish was read the first & Second time by an Especial Order and Passed and Sent to the Upper House by M^r Hamilton and M^r Scott, Who return & Say they delivered the same.

A Bill Entituled an Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to Deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis to the Clerk of Dorchester County and to Enable him to Record the same was read the first time and Ordered to lye on the Table

The House Adjourned untill Two of the Clock in the Afternoon

Wednesday at Two of the Clock in the Afternoon.

The House met according to Adjournment. The Members were Called & all present as in the Morning Except M^r Kennard.

The Bill Entituled an Act to Enable the Clerk of Dorchester County to deliver a Deed of Bargain and Sale from the Heir of Henry Bray to Will^m Cornwallis unto Richard Bennett Esq^r &c. Was read the Second time & would not pass.

Coll^o Rider from the Upper House delivered to M^r Speaker a L. H. J. Supplementary Act to the Act Entituled an Act to Limit the Continuance of Actions in Several Courts within this Province and Ascertainning the Manner of taking the Evidence of Seafaring Men & for granting Appeals from the Chancery Court to the Governour and Council Indorsed thus. [The text of this endorsement is printed at page 39.]

Which Bill was read in this House the first and Second time by an Especial Order and Passed and Sent to the Upper House by Maj^r Hanson and M^r Edmundson, Who return and say they Delivered the same.

Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act for the Laying out the Town a New, Commonly Called Chester Town in Kent County and for Ascertainning the bounds thereof Indorsed thus,

By the Upper House of Assembly 9th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 39.] p. 232

Which Bill was read here and Passed for Ingrossing.

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 39.]

Coll^o Ward from the Upper House delivered to M^r Speaker the bill Entituled an Act for the building a Church in Baltemore County and in a Town called Baltemore Town in Saint Pauls parish Indorsed thus.

By the Upper House of Assembly 10th June 1730

Read the first and Second time by an Especial Order and will pass

Signed p Order Jn^o Ross Cl. Up. Ho.

Which Bill was read here and passed for Ingrossing.

The Ingrossed Bill Entituled an Act for Improving the Staple of Tobacco &c. was read and Assented to and Sent to the Upper House with the paper Bill thereof by Maj^r Harris & M^r Key.

Who return and say they delivered the same.

The Bill Entituled an Act to Inrole and Record an Indenture between Mathias Vanbebber of the one Part and Thomas Bordley Esq^r of the other Part was read and Assented to And Sent to the Upper House with the Paper Bill thereof by Capⁿ Gordon, Who p. 233 returns and says he delivered the same.

L. H. J. Coll^o Tilghman from the Upper House delivered to M^r Speaker the Bill Entituled an Act for Cuting of the Entail and Investing an Estate of Inheritance in fee Simple of a Tract of Land Called Exeter in Henry Warton in St. Marys County &c. Indorsed thus.

By the Upper House of Assembly 2^d June 1730.

Read the first time and Ordered to Lye on the Table

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 41.]

p. 234 Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the bill Entituled an Explanatory Act of the Act for the Direction of Sherriffs in their Office & restraining their ill practices within this Province Indorsed thus.

By the Upper House of Assembly 8th June 1730

Read the first time and Ordered to Lye on the Table

Signed p Order Jn^o Ross Cl. Up. Ho.

And (thus)

By the Upper House of Assembly 9th June 1730

Read the Second time & will not pass.

Signed p Order Jn^o Ross Cl. Up Ho.

John Hall Esq^r from the Upper House delivered to M^r Speaker the bill Entituled a Supplementary Act to the Act Entituled an Act for the Advancement of Justice Indorsed thus,

By the Upper House of Assembly 8th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 41.]

Which Bill was read here and passed for Ingrossing

A Bill Entituled a Supplementary Act to the Act Entituled an Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of Ministers were read the first & Second time by an Especial Order & Passed & Sent to the Upper House by M^r Waughop and M^r Thompson, Who return and Say they Delivered the Same.

Coll^o Rider from the Upper House delivered to M^r Speaker the bill Entituled an Act to make and Emit Twenty four thousand pounds Currant Mony &c. Indorsed thus.

By the Upper House of Assembly 4th June 1730.

L. H. J.

Read the first time & Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 42.]

A Bill Entituled an Act for the Releif of John Smith a Languishing Prisoner in Cecil County Gaol was read the first time & Ordered to Lye on the Table

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker the p. 235 following Message. [The text of this message is printed at page 42.]

The House Adjourned untill to Morrow Morning at Eight of the Clock.

Thursday June the 11th 1730.

June 11

The House met according to Adjournment

The Members were Called and all Present as Yesterday in the Afternoon.

The Proceedings of yesterday were read.

M^r Kennard Appeared in the House this Morning

The following Message [The text of this message is printed at page 43.] Was sent to the Upper House by M^r Beale and Coll^o Herman, Who return and say they delivered the same.

The following Message [The text of this message is printed at page 43.] Was sent to the Upper House by Capⁿ Gordon & M^r p. 236 Beale, Who return and say they Delivered the Same.

The Ingrossed Bill Entituled an Act for the building a Church in Baltemore County and in a Town Called Baltemore Town in S^t Pauls Parish was read & Assented to, And Sent to the Upper House with the paper bill thereof by M^r Tolley, Who returns & Says he Delivered the Same.

The Bill for the Releif of John Smith of Cecil County was read the Second time & Passed & sent to the Upper House by M^r Johnson & M^r George, Who return & say they delivered the same.

The Bill Entituled an Act for the Preservation of the breed of Wild Deer was read the first and Second time by an Especial Order and Passed and Sent to the Upper House by James Hollyday Esq^r and Capⁿ Sprigg. Who return & Say they delivered the same

The following Message [The text of this message is printed at page 45.] Was sent to the Upper House by Maj^r Harris & Maj^r Hanson, Who return and say they delivered the same.

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker p. 237 the paper Bill Entituled an Act for Emproving the Staple of Tobacco &c. Indorsed thus.

L. H. J. By the Upper House of Assembly 11th June 1730.

The Engrossed Bill whereof this is the Original is read & Assented to.

Signed p Order Jn^o Ross Cl. Up. Ho.

Mr Peter Taylor appeared in the House this Morning.

The House Adjourned untill Two of the Clock in the Afternoon

Thursday at Two of the Clock in the Afternoon,

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

A Bill Entituled an Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis to the Clerk of the Dorchester County & to Enable him to Record the Same.

Was read the first & Second time by an Especial Order & Passed and Sent to the Upper House by Mr Chamberlain & Mr Edmundson, Who return & say they delivered the same.

Coll^o Ward from the Upper House delivered to Mr Speaker the bill Entituled an Act for the Releif of Thomas Worsley &c. Indorsed thus. [The text of this endorsement is printed at page 44.]

Coll^o Holland and John Hall Esq^r from the Upper House Acquainted Mr Speaker that the Governour required the Presence of him and the rest of the Members of this House Immediately in the Upper House.

p. 238 Mr Speaker and the other Members went where the Governour in the Usual Manner passed the Bill Entituled an Act for Emproving the Staple of Tobacco &c. into a Law.

Mr Speaker and the rest of the Members of this House returned, Mr Speaker reassumed the Chair.

Mr Key had Leave to go home.

Coll^o Tilghman from the Upper House delivered to Mr Speaker the following Message [The text of this message is printed at page 46.]

p. 239 The following Message [The text of this message is printed at page 47.] And the Bill for the Releif of Several poor Prisoners were Sent to the Upper House by Maj^r King & Mr Johnson, Who return and say they delivered the same

Philemon Lloyd Esq^r from the Upper House delivered to Mr Speaker the paper Bill Entituled an Act Altering the bounds of Two Acres of Land heretofore Granted to Great Choptank Parish &c.

The Paper Bill Entituled an Act for building a Church in Balte- L. H. J. more County &c^a

The Paper Bill Entituled a Supplementary Act to the Act Entituled an Act for the Laying out of Land and Erecting a Town in Saint Marys County &c.

And the Paper Bill Entituled an Act to Enable the High Court of Appeals to Continue an Appeal therein depending &c. Severally Indorsed thus.

By the Upper House of Assembly 11th June 1730.

The Ingrossed Bill Whereof this is the Original is read and Assented to

Signed p Order Jn^o Ross Cl. Up. Ho.

The House Adjourned untill to Morrow Morning at Seven of the Clock.

Friday June the 12th 1730.

June 12

The House met according to Adjournment. The Members were Called and all Present as Yesterday. The proceedings of Yesterday were read.

An Ingrossed Bill Entituled a Supplementary Act to the Act for the Advancement of Justice.

An Ingrossed Bill Entituled an Act for the Naturalization of John Hendrickson &c.

An Ingrossed Bill Entituled an Act to Confirm two Deeds of Sale the one from George Oldfeild and Petronella his wife &c.

An Ingrossed Bill Entituled an Act to Record a Deed of Bargain & Sale made by Thomas Humphreys Esq^r and Mary his wife to John Gresham Esq^r

An Ingrossed Bill Entituled an Act to Cut of an Entail of a Tract of Land called Marshes Seat &c.

And an Ingrossed Bill Entituled an Act for Laying out the Town a New Commonly called Chester Town in Kent County and for Ascertaining the bounds thereof Were Severally read & Assented to and Sent to the Upper House with the paper Bills thereof by Capⁿ p. 240 Elliot and Capⁿ Blackistone, Who return and say they Delivered the same.

John Hall Esq^r from the Upper House delivered to M^r Speaker the Bill for the Releif of Several Poor Prisoners and the following Message. [The text of this message is printed at page 48.]

Coll^o Rider from the Upper House delivered to M^r Speaker the paper Bill Entituled an Act for the Laying out of Land And Erecting a Town at a place called Broxons Point in Cecil County.

L. H. J. The paper Bill Entituled an Act to Inroll and Record an Indenture between Mathias Vanbebber of the one part and Thomas Bordly Esq^r of the other part

The Paper Bill Entituled an Act for the Releif of James Peerman &c & the paper Bill Entituled an Act for Ascertaining the form of the Oath of Judge or Justice Severally thus Indorsed.

p. 241 By the Upper House of Assembly 12th June 1730

The Engrossed bill whereof this is the Original is read and Assented to.

Signed p Order Jn^o Ross Cl. Up. Ho.

And the Paper Bill Entituled a Supplementary Act to the Act Entituled an Act to Limit the Continuance of Actions in Several Courts within this Province Indorsed thus.

By the Upper House of Assembly 10th June 1730

Read & passed for Ingrossing.

Signed p Order Jn^o Ross Cl. Up. Ho.

And the Ingrossed Bill thereof Indorsed thus

12th June 1730.

Read & Assented to by the Upper House of Assembly.

Signed p Order Jn^o Ross Cl. Up. Ho.

The said Ingrossed Bill was read & Assented to by this House, And the paper Bill was Ordered to be Indorsed thus. [The text of this endorsement is printed at page 50.]

And was Sent to the Upper House by Coll^o Ennalls, who returns and says he delivered the Same.

The Question was put whether Persons be Appointed this Assembly to Enquire what Charges the Reparation of the Publick Walk in the City of Annapolis will Amount to, And make their Report to the next Assembly or whether it be referred wholly to the next Session, Resolved that it be referred wholly untill next Session.

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker the bill Entituled an Act for the Preservation of the breed of Wild Deer Indorsed thus.

By the Upper House of Assembly 11th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 50.] L. H. J.
Which Bill was read here & Passed for Ingrossing.

John Rousby Esq^r from the Upper House delivered to M^r Speaker p. 242
the Petition of the Mayor Recorder & Alderman of the City of An-
napolis Indorsed thus

By the Upper House of Assembly 12th June 1730

Read and recommended to the Consideration of the Lower House
of Assembly

Signed p Order Jn^o Ross Cl. Up Ho.

Which Petition was read here and referred untill next Session.

Benjamin Tasker Esq^r from the Upper House delivered to M^r
Speaker the paper Bill Entituled a Supplementary Act to the Act
Entituled an Act for the Advancement of Justice.

The Paper bill Entituled an Act to Confirm Two Deeds of Sale
the one from George Oldfeild and Petronella his Wife &c.

The Paper Bill Entituled an Act to Record a Deed of Bargain &
Sale made by Thomas Humphreys Esq^r to John Gresham Esq^r

The Paper Bill Entituled an Act for the Naturalization of John
Hendrickson &c.

The Paper Bill for the Laying out of the Town a new Commonly
called Chester Town &c. And the Paper Bill Entituled an Act to
Cut of an Entail of a Tract of Land Called Marshes Seat &c.
Severally Indorsed thus.

By the Upper House of Assembly 12th June 1730.

The Ingrossed bill whereof this is the Original is read and As-
sented to.

Signed p Order Jn^o Ross Cl. Up. Ho.

Coll^o Ward from the Upper House delivered to M^r Speaker the
Bill Entituled an Act for the further Direction of the Sherriffs
within this province in their Collection this present Year Indorsed
thus,

By the Upper House of Assembly 9th June 1730

Read the first time and Ordered to Lye on the Table

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 51.]

Coll^o Tilghman from the Upper House Delivered to M^r Speaker
an Act to Enable the Clerk of Dorchester County to Deliver a Deed p. 243

L. H. J. of Bargain and Sale from the Heir of Henry Bray &c. Indorsed thus,

By the Upper House of Assembly 11th June 1730.

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 50.]

Which Bill was read here and Passed for Ingrossing.

Ordered that a bill be brought in to Direct all Officers to Indorse on all notes & Specialtys taken for fees the Consideration.

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Record and make Valid in Law a Deed from John Watmore &c Indorsed thus.

By the Upper House of Assembly 9th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 51.]

Which bill was read here and Passed for Ingrossing.

The House Adjourned until Two of the Clock in the Afternoon

Friday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all present as in the Morning.

A Bill Entituled an Act requiring all Officers taking bonds bills or Notes to Indorse on them the Particulars of their Accounts was read the first time & Ordered to Lye on the Table.

John Hall Esq^r from the Upper House delivered to M^r Speaker a Bill Entituled a Supplementary Act to the Act Entituled an Act for the Establishment of Religious Worship &c. Indorsed thus.

By the Upper House of Assembly 10th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

p. 244

And thus [The text of this endorsement is printed at page 51.]

Ordered that the Treasurer of the Western Shore Comply with the Draft of the Gentlemen appointed to View the work to be done by the Person Agreed with to build the Separate Repository when the work shall be done.

An Ingrossed Bill Entituled an Act for the Preservation of the breed of Wild Deer was read and Assented to and Sent to the Upper

House with the Paper Bill by Coll^o Ennalls and Capⁿ Blackistone, L. H. J. Who return and say they delivered the same.

A Bill Entituled an Act for the releif of Thomas Worsley &c^a was read and passed for Ingrossing

An Engrossed Bill Entituled an Act for the releif of Thomas Worsley &c. was read & Assented to and Sent to the Upper House with the Paper Bill thereof by M^r Taylor, Who returns and says he delivered the same.

An Ingrossed Bill Entituled an Act to Record & make Valid in Law a Deed from John Watmore &c^a Was read and Assented to and Sent to the Upper House with the Paper bill thereof by M^r Thompson, Who returns & says he delivered the same.

The Bill Entituled a Supplementary Act to the Act Entituled an Act for the Establishment of Religious Worship &c. was read and with the Amendments Proposed by the Upper House passed for Ingrossing.

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 52.]

John Rousby Esq^r from the Upper House delivered to M^r Speaker p. 245 the Bill Entituled an Act for the Releif of John Smith of Cecil County. Indorsed thus.

By the Upper House of Assembly 11th June 1730.

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 53.] Which Bill was read here and passed for Ingrossing.

The following Message [The text of this message is printed at page 53.] Was Sent to the Upper House by James Hollyday Esq^r and M^r Hemsley. Who return and Say they delivered the same.

Coll^o Ward from the Upper House delivered to M^r Speaker the bill Entituled an Act to Ascertain the fees of Attornys &c. Indorsed thus.

By the Upper House of Assembly 4th June 1730

Read the first time and Ordered to lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

p. 246

And thus, [The text of this endorsement is printed at page 53.]

And the following Message. [The text of this message is printed at page 53.]

L. H. J. The House Adjourned untill to Morrow Morning at Seven a Clock.

June 13

Saturday June the 13th 1730,

The House met according to Adjournment

The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

An Ingrossed bill Entituled an Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis &c. was read & Assented to and sent to the Upper House with the Paper Bill thereof by M^r Hemsley, Who returns & says he delivered the same

The Bill Entituled an Act to Ascertain the fees of Practitioners of the Law &c. was read & Passed for Ingrossing.

Coll^o Greenfeild Coll^o Gale James Hollyday Esq^r M^r Ralph Crabb Maj^r King and M^r Joshua George were Appointed to join the Members Nominated by the Upper House to Prepare an Address to the Lord Proprietary

p. 247 The following Message [The text of this message is printed at page 54.] Was sent to the Upper House by Coll Greenfeild and James Hollyday Esq^r who return and say they delivered the Same.

Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the Paper Bill Entituled an Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis &c Indorsed thus.

By the Upper House of Assembly 13th June 1730

The Engrossed Bill whereof this is the Original is read and Assented to

Signed p Order Jn^o Ross Cl. Up. Ho.

The Paper Bill Entituled an Act to Record & make Valid in Law a Deed from John Watmore &c.

The Paper Bill Entituled an Act for the relief of Thomas Worsley &c. And the Paper Bill Entituled an Act for the Preservation of the breed of Wild Deer severally Indorsed thus.

By the Upper House of Assembly 12th June 1730.

The Ingrossed Bill whereof this is the Original is read and Assented to.

Signed p Order Jn^o Ross Cl. Up. Ho.

The Bill Entituled an Act for Cutting of the Entail & investing an Estate of Inheritance in fee simple of a Tract of Land called Exeter &c. was read and Passed for Ingrossing

The Ingrossed Bill Entituled an Act for Cutting of the Entail and L. H. J. investing an Estate of Inheritance in fee Simple of a Tract of Land called Exeter &c. was read and Assented to & Sent to the Upper House with the Paper bill thereof by Capⁿ Waughop and M^r Young, Who return & say they delivered the same

M^r Beale delivered to M^r Speaker the Report of the Gentlemen p. 248 appointed to Inspect the Records in the Commissary's Office and provincial Office during the time M^r Vachel Denton hath wrote in the said Offices [The text of this report is printed at page 55.]

FIRST LIST

County Names	Deceased person Names	Inventory Exhibited	Where Entered	p. 249 The inven- tories con- tained in this list were not recorded and the originals were not found. See
St. Marys	John Barnes	14 th Sept. 1722	AD.N ^o 4. foll 34	
D ^o	Richard Ashburners	9 th Oct.	67	
D ^o	Edward Morgan	D ^o	D ^o	
Charles	Oswald Haskins	3 ^d Sept ^r 1722	D ^o 32	p. 55
D ^o	John Atkinson	9 th Oct.	D ^o 67	
D ^o	Thomas Ornell	D ^o	D ^o D ^o	
Calvert	Nathaniel Ashcombes			
	Add ^{ll}	20 th Sept. 1722	D ^o 35	
D ^o	Thomas Wilmot	D ^o	D ^o D ^o	
Prince Georges	Richard Conner	3 ^d Oct ^r 1722	D ^o 37	
Ann arund ^{ll}	Thomas Moss	14 th Aug ^t 1722.	D ^o 25	
D ^o	Charles Ridgley	D ^o	D ^o D ^o	p. 250
D ^o	John Cox	D ^o	D ^o D ^o	
D ^o	John Eastwood	D ^o	D ^o D ^o	
D ^o	Joseph Smith	D ^o	D ^o D ^o	
D ^o	Samuel Lockwood	D ^o	D ^o D ^o	
D ^o	Henry Hall	3 ^d Sept ^r	D ^o 33	
D ^o	John Beard Add ^{ll}	26 th Oct ^r	D ^o 75	
D ^o	Lewis Owen	9 th March	D ^o 124	
Baltimore	Robert Derrumple	15 th Aug ^t	D ^o 31	
D ^o	William Pike	D ^o	D ^o D ^o	
D ^o	Anthony Johnson	D ^o	D ^o D ^o	
Cecil	Nicholas Vandergrift	4 th Oct. 1722	D ^o 39	
D ^o	Roger Larrimore	D ^o	D ^o D ^o	
Kent.	John Moll	D ^o D ^o	D ^o 38	
D ^o	Mathew Piner	D ^o D ^o	D ^o D ^o	
D ^o	John Bushoon	D ^o D ^o	D ^o D ^o	
D ^o	William Debruler	D ^o D ^o	D ^o D ^o	
D ^o	Arono Goodwin	D ^o D ^o	D ^o D ^o	
D ^o	Robert Parks	D ^o D ^o	D ^o D ^o	
D ^o	Charles Ringold	D ^o D ^o	D ^o D ^o	
D ^o	Zach ^a Brown	D ^o D ^o	D ^o D ^o	

L. H. J. Mathias Vanbebbber of the one part and Thomas Bordley Esq^r. of the other part. Indorsed thus,

By the Upper House of Assembly 29th May 1730

Read the first time and Ordered to Lye on the Table.

Signed p order Jn^o Ross Cl. Up. Ho.

And Indorsed thus. [The text of this endorsment is printed at page 38.]

Which Bill was read here and Passed for Ingrossing

An Ingrossed Bill Entituled an Act for the Releif of James Peer-man a Prisoner in Ann arundell County Gaol.

An Ingrossed Bill Entituled a Supplementary Act to the Act Entituled an Act for the Laying out Land and Erecting a Town in Saint Marys County at a Place formerly called Seymour Town

An Ingrossed Bill Entituled an Act for the Laying out of Land and Erecting a Town at a Place Called Broxons point in Cecil County were Severally read and Assented to & Sent to the Upper House with the Paper bills thereof by Maj^r Turbutt and M^r Thompson.

Who return and say they Delivered the same.

Ordered that the Committee of Accounts Close their Journal on Saturday next.

p. 231 A Bill Entituled an Act for the building a Church in Baltemore County and in a Town Called Baltemore Town in St Pauls Parish was read the first & Second time by an Especial Order and Passed and Sent to the Upper House by M^r Hamilton and M^r Scott, Who return & Say they delivered the same.

A Bill Entituled an Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to Deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis to the Clerk of Dorchester County and to Enable him to Record the same was read the first time and Ordered to lye on the Table

The House Adjourned untill Two of the Clock in the Afternoon

Wednesday at Two of the Clock in the Afternoon.

The House met according to Adjournment. The Members were Called & all present as in the Morning Except M^r Kennard.

The Bill Entituled an Act to Enable the Clerk of Dorchester County to deliver a Deed of Bargain and Sale from the Heir of Henry Bray to Will^m Cornwallis unto Richard Bennett Esq^r &c. Was read the Second time & would not pass.

Coll^o Rider from the Upper House delivered to M^r Speaker a L. H. J. Supplementary Act to the Act Entituled an Act to Limit the Continuance of Actions in Several Courts within this Province and Ascertainig the Manner of taking the Evidence of Seafaring Men & for granting Appeals from the Chancery Court to the Governour and Council Indorsed thus. [The text of this endorsement is printed at page 39.]

Which Bill was read in this House the first and Second time by an Especial Order and Passed and Sent to the Upper House by Maj^r Hanson and M^r Edmundson, Who return and say they Delivered the same.

Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act for the Laying out the Town a New, Commonly Called Chester Town in Kent County and for Ascertainig the bounds thereof Indorsed thus,

By the Upper House of Assembly 9th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 39.] p. 232

Which Bill was read here and Passed for Ingrossing.

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 39.]

Coll^o Ward from the Upper House delivered to M^r Speaker the bill Entituled an Act for the building a Church in Baltemore County and in a Town called Baltemore Town in Saint Pauls parish Indorsed thus.

By the Upper House of Assembly 10th June 1730

Read the first and Second time by an Especial Order and will pass

Signed p Order Jn^o Ross Cl. Up. Ho.

Which Bill was read here and passed for Ingrossing.

The Ingrossed Bill Entituled an Act for Improving the Staple of Tobacco &c. was read and Assented to and Sent to the Upper House with the paper Bill thereof by Maj^r Harris & M^r Key.

Who return and say they delivered the same.

The Bill Entituled an Act to Inrole and Record an Indenture between Mathias Vanbebbber of the one Part and Thomas Bordley Esq^r of the other Part was read and Assented to And Sent to the Upper House with the Paper Bill thereof by Capⁿ Gordon, Who p. 233 returns and says he delivered the same.

L. H. J. tenance of Ministers was read & Assented to & Sent to the Upper House with the paper bill by M^r Hemsley, Who returns and Says he delivered the same.

An Ingrossed Bill Entituled an Act for the releif of John Smith a Languishing Prisoner in Cecil County Gaol was read and Assented to and Sent to the Upper House with the paper bill by M^r Johnson & M^r George. Who return & say they delivered the same.

Ordered that it be an Instruction to the Members of this House appointed to join with some Members of the Upper House to prepare an Address to the Lord Proprietary to Observe the Substance of the Several Messages passed between both Houses in drawing and preparing the said Address, and that they Signify to his Lordship the hardships the province Labours under by his Dissent to the Laws.

The House proceeded to Tax the following private bills.

An Act to Inroll and Record an Indenture between Mathias Vanbebber of the one part and Thomas Bordley Esq^r of the other part.

	£	s.	d.
To the Honourable Speaker	02	00	0
To the Clerk	01	00	0

An Act for the Naturalization of John Hendrickson a Native of Rotherdam in Holland now an Inhabitant of Kent County in Maryland and John Samuel Rachell Mary Mildred Margaret Martha Rebecca Hannah and Ruth Children of the aforesaid John Hendrickson.

To the Honourable Speaker	00	10	0
To the Clerk	00	05	0

p. 254 An Act to Confirm two Deeds of Sale the one from George Oldfeild and Petronella his Wife and the other from Richard Carr son and heir at Law to a Certain John Carr of Cecil County Deceased to Casparus Augustine Herman

To the Honourable Speaker	01	00	0
To the Clerk	00	10	0

An Act to Record a Deed of Bargain and Sale made by Thomas Humphreys Esq^r & Mary his Wife, to John Gresham Esq^r

To the Honourable Speaker	01	10	0
To the Clerk	00	15	0

An Act to Cut of an Intail of a Tract of Land called Marshes Seat Lying in Ann Arundell County an to Invest William Vernon with an Estate in fee Simple in the said Tract of Land and to Settle a Parcell of Land being part of three Tracts of Land called happy Choice Clerkes Groves and the Addition to Clerkes Groves lying in Prince Georges County on Thomas Knighton and the heirs of his Body in Lieu thereof

To the Honourable Speaker	01:00:0	L. H. J.
To the Clerk	00:10:0	

An Act to Record and make Valid in Law a Deed from John Watmore to a Certain William Dare the father and Sale made of Certain Lands therein Mentioned by the Surviving Executors of William Dare the Son

To the Honourable Speaker	01:00:0
To the Clerk	00:10:0

An Act to Enable the Clerk of Dorchester County to deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis unto the Clerk of Dorchester County and to Enable him to Record the Same

To the Honourable Speaker	05:00:0
To the Clerk	02:10:0

An Act for Cutting of the Entail and Investing an Estate of p. 255 Inheritance in fee Simple of a Tract of Land called Exeter in Henry Wharton of Saint Marys County Gentleman and his Wife and to Entail other Lands lying in Saint Marys County in Lieu thereof

To the Honourable Speaker	01:00:0
To the Clerk	00:10:0

John Hall Esq^r from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 57.]

The following Message [The text of this message is printed p. 256 at page 58.] Was Sent to the Upper House by Capⁿ Gordon & M^r Hemsley Who return and say they delivered the Same.

Coll^o Holland from the Upper House delivered to M^r Speaker the paper bill Entituled an Act to Ascertain the fees of Practitioners of the Law &^c Endorsed thus.

By the Upper House of Assembly 13th June 1730

The Engrossed bill Whereof this is the Original is read & Assented to

Signed p Order Jn^o Ross Cl. Up. Ho.

Coll. Rider from the Upper House delivered to M^r Speaker the paper bill Entituled an Act for the Releif of John Smith a Languishing Prisoner in Cecil County Gaol.

The Paper Bill Entituled a Supplementary Act to the Act Entituled an Act for the Establishment of religious Worship &c.

L. H. J. Heirs of his Body in Leiu thereof was read the first & Second time by an Especial Order & Passed and Sent to the Upper House by M^r Beale and M^r Wharfeild, Who return and say they Delivered the Same

The following Message [The text of this message is printed p. 223 at page 32.] Was sent to the Upper House by Capⁿ Gordon & Maj^r Hanson, Who return and say they delivered the same.

The House Adjourns untill Two of the Clock in the Afternoon

Monday at Two of the Clock in the Afternoon

The House met according to Adjournment, The Members were Called & all Present as the Morning Except M^r Johnson

James Hollyday Esq^r appeared in the House this Afternoon

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 32.]

Coll^o Greenfeild from the Conference of both Houses reported that the Gentlemen from the Upper House Insisted that if a Deficiency should happen in the Equivalency to the Lord Proprietary in the manner its now proposed that it be made up some other way with which this House Concurred.

That there be no deduction of Debts untill the year 1728 This the House Disapproved of that the Officers fees be allowed according to the Settlement in 1719 and that the fourth part Deducted be allowed for in Grain, to this the House Disagreed

The Question was put that there be a Reduction of a fourth part of all Country Tobacco Debts and the part Deducted paid in Grain at Stated prices, Resolved in the Affirmative

Ordered that the Conferrees of this House be Instructed to Acquaint those of the Upper House that this House will come into no Regulation of Officers fees but that made in 1725

p. 224 Ordered that they Propose a man having one Taxable be Allowed Ten Thousand Plants for himself and four thousand for his Wife.

Ordered that they be Instructed to propose that the parsons Grain be paid at the Parsonage House if he lives in the parish and if he does not that it be paid where the Vestry shall appoint

M^r George delivered to M^r Speaker a bill for Laying out the Town a new, Commonly called Chester Town in Kent County and for Ascertaining the bounds thereof, Which was read the first time & Ordered to Lye on the Table.

The Question was put that a Bill be brought into restrain People from raising Hogs in Towns Except they do it upon their own Lots. Resolved in the Affirmative

John Hall Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled a Supplementary Act to the Act Entituled an Act

for the Laying out of Land and Erecting a Town in Saint Marys L. H. J. County at a place formerly Called Seymour Town and the following Message. [The text of this message is printed at page 32.]

The^e House Adjourns untill to Morrow Morning at Eight of the p. 225 Clock.

Tuesday June the 9th 1730.

June 9

The House met according to Adjournment The Members were Called and all Present as yesterday in the Afternoon The proceedings of yesterday were read. The Question was put that a penny Current Mony p Annum be reserved for the Lord Proprietary on Each Lot in Leonard Town. Resolved in the Affirmative

The question was put that a penny Currant Mony p Annum be reserved to the Lord Proprietary on all Lots in Chester Town. Resolved in the Affirmative.

Coll^o Greenfeild from the Conference of both Houses brought in the Report of the Conferrees read it in his place and Delivered it in at the board.

(The Report was as followeth) [The text of this report is printed at page 33.]

The Bill Entituled an Act for Laying out the Town a new, Com- p. 226 monly called Chester Town in Kent County and for Ascertaining the bounds thereof was read the Second time & Passed and Sent to the Upper House by James Harris Esq^r & M^r Phillip Kennard, Who return & say they delivered the Same.

The Petition of Edmund Benson was read & granted. Daniel Dulany Esq^r from the Committee of Laws brought in the bill Entituled an Act for the Releif of Thomas Worsley &c. Which had been Committed for Amendments the said Bill was read the first & Second time by an Especial Order & Passed and Sent to the Upper House by Maj^r Turbutt & M^r Thompson, Who return & say they delivered the same

Coll^o Greenfeild from the Committee of Laws delivered to M^r Speaker a Bill Entituled an Act for the further Direction of the Sherriffs within this Province in their Collections this present year, Which Bill was read the first time & Ordered to Lye on the Table.

Coll^o Holland, John Hall Esq^r Coll^o Ward and John Rousby Esq^r from the Upper House delivered to M^r Speaker the bill Entituled an Act for Ascertaining the form of the Oath of Judge or Justice Indorsed thus

By the Upper House of Assembly 6th June 1730,

Read the first time & Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

L. H. J.

Post Meridiem.

The Committee meet according to Adjournment

Present as in the forenoon

The Committee Adjourns untill Monday Morning Ten a Clock

Monday May the 25th 1730

The Committee meet according to Adjournment

Present as on Saturday

The Committee Adjourns untill four a Clock in the Afternoon

Post Meridiem.

The Committee meet according to Adjournment

Present as in the forenoon

p. 259 The Committee Adjourns until to Morrow Morning Ten a Clock

Tuesday May the 26th 1730

The Committee meet according to Adjournment

Present as yesterday

The Committee Adjourns until four a Clock in the Afternoon

Post Meridiem.

The Committee meet according to Adjournment.

Present as in the forenoon.

To the Several Members of the House of Delegates for their
Respective Attendance and Itinerant Charges this Assembly (Viz)

St. Mary's	{	To Coll Thomas Trueman Greenfeild for 24 days Attendance and Six days Itin- erant Charges 3840 whereof $\frac{1}{4}$ is de- ducted	2880
		To M ^r Thomas Waughop for 17 D ^o and D ^o 2860 with D ^o	2145
		To M ^r Phillip Key for 22 D ^o and D ^o 3560 with D ^o	2670
		To M ^r John Young for 24 D ^o and D ^o 3840 with D ^o	2880
Kent	{	To James Harris Esq ^r for 24 d ^o and D ^o 3840 with D ^o	2880
		To M ^r Phillip Kennard for 24 D ^o and D ^o 3840 with D ^o	2880
		To M ^r George Wilson for 24 D ^o and D ^o 3840 with D ^o	2880
		To M ^r Ebenezer Blackistone for 24 D ^o & D ^o 3840 with D ^o	2880

		To John Beale Esq ^r for 24 days Attendance 3360 with D ^o	L. H. J. 2520
Ann Arundell	{	To Daniel Dulany Esq ^r for 24 D ^o 3360 with D ^o	2520
		To M ^r Richard Warfield 24 D ^o 3360 with D ^o	2520
		To M ^r Thomas Worthington 24 D ^o 3360 with D ^o	2520
Calvert	{	To Coll ^o John Mackall for 24 D ^o & 4 days Itinerant Charges 3680 with D ^o	2760
		To M ^r Benjamin Mackall for 24 d ^o & D ^o 3680 with D ^o	2760
		To M ^r Walter Smith for 24 D ^o and D ^o 3680 with D ^o	2760
		To Maj ^r Adderton Skinner for 24 D ^o & D ^o 3680 with D ^o	2760
Charles	{	To Coll ^o John Fendall for 24 D ^o and D ^o 3680 with D ^o 2760. out of which is to be deducted 1000 Allowed him for last year by Mistake more than due so that the remainder is	p. 260 1760
		To M ^r Robert Hanson for 24 D ^o and D ^o 3680 with D ^o	2760
		To M ^r Samuel Hanson for 24 D ^o & D ^o 3680 with D ^o	2760
		To M ^r John Courts for 24 D ^o and D ^o 3680 with D ^o	2760
		[folio 3]	53255
Somerset	{	To M ^r William Stoughton for 24 days Attendance & 10 days Itinerant Charges 4160 whereof $\frac{1}{4}$ is Deducted	3120
		To M ^r George Dashield for 23 D ^o and D ^o 4020 with D ^o	3015
		To Maj ^r Robert King for 23 D ^o and D ^o 4020 with D ^o	3015
		To Coll ^o Levin Gale 23 D ^o and D ^o 4020 with D ^o	3015
Talbot	{	To James Hollyday Esq ^r for 22 D ^o & D ^o 3560 with D ^o	2670
		To M ^r Samuel Chamberlain for 24 D ^o & D ^o 3840 with D ^o	2880
		To M ^r John Edmundson for 24 D ^o & D ^o 3840 with D ^o	2880

L. H. J. of Bargain and Sale from the Heir of Henry Bray &c. Indorsed thus,

By the Upper House of Assembly 11th June 1730.

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 50.]

Which Bill was read here and Passed for Ingrossing.

Ordered that a bill be brought in to Direct all Officers to Indorse on all notes & Specialtys taken for fees the Consideration.

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Record and make Valid in Law a Deed from John Watmore &c Indorsed thus.

By the Upper House of Assembly 9th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 51.]

Which bill was read here and Passed for Ingrossing.

The House Adjourned until Two of the Clock in the Afternoon

Friday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all present as in the Morning.

A Bill Entituled an Act requiring all Officers taking bonds bills or Notes to Indorse on them the Particulars of their Accounts was read the first time & Ordered to Lye on the Table.

John Hall Esq^r from the Upper House delivered to M^r Speaker a Bill Entituled a Supplementary Act to the Act Entituled an Act for the Establishment of Religious Worship &c. Indorsed thus.

By the Upper House of Assembly 10th June 1730

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

p. 244

And thus [The text of this endorsement is printed at page 51.]

Ordered that the Treasurer of the Western Shore Comply with the Draft of the Gentlemen appointed to View the work to be done by the Person Agreed with to build the Separate Repository when the work shall be done.

An Ingrossed Bill Entituled an Act for the Preservation of the breed of Wild Deer was read and Assented to and Sent to the Upper

House with the Paper Bill by Coll^o Ennalls and Capⁿ Blackistone, L. H. J. Who return and say they delivered the same.

A Bill Entituled an Act for the releif of Thomas Worsley &c^a was read and passed for Ingrossing

An Engrossed Bill Entituled an Act for the releif of Thomas Worsley &c. was read & Assented to and Sent to the Upper House with the Paper Bill thereof by M^r Taylor, Who returns and says he delivered the same.

An Ingrossed Bill Entituled an Act to Record & make Valid in Law a Deed from John Watmore &c^a Was read and Assented to and Sent to the Upper House with the Paper bill thereof by M^r Thompson, Who returns & says he delivered the same.

The Bill Entituled a Supplementary Act to the Act Entituled an Act for the Establishment of Religious Worship &c. was read and with the Amendments Proposed by the Upper House passed for Ingrossing.

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker the following Message. [The text of this message is printed at page 52.]

John Rousby Esq^r from the Upper House delivered to M^r Speaker p. 245 the Bill Entituled an Act for the Releif of John Smith of Cecil County. Indorsed thus.

By the Upper House of Assembly 11th June 1730.

Read the first time and Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 53.] Which Bill was read here and passed for Ingrossing.

The following Message [The text of this message is printed at page 53.] Was Sent to the Upper House by James Hollyday Esq^r and M^r Hemsley. Who return and Say they delivered the same.

Coll^o Ward from the Upper House delivered to M^r Speaker the bill Entituled an Act to Ascertain the fees of Attornys &c. Indorsed thus.

By the Upper House of Assembly 4th June 1730

Read the first time and Ordered to lye on the Table.

p. 246

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 53.]

And the following Message. [The text of this message is printed at page 53.]

L. H. J. To M ^r John Young for his tending the Upper House of Assembly as Door keeper this Sessions 24 days at 100 p day is 2400 whereof $\frac{1}{4}$ is Deducted	1800
To William Monrow Sexton of St. Anns parish for tolling the Bell to this Assembly and Provincial Courts for the year 1730. 600 whereof $\frac{1}{4}$ is deducted	450
To the Reverend M ^r John Humphreys Rector of S ^t Anns parish for reading prayers this Assembly and Provincial Courts for the year 1730. 2000 whereof $\frac{1}{4}$ is Deducted	1500
To M ^r Thomas Jobson for 2 thirds of 2000 lb of Tobacco p Agreement for keeping the Gate one year	1334
To Ditto for his Usual Allowance for beating the Drum and Cleaning the Stadt House for one year	1200

[Total] 2534

Whereof $\frac{1}{4}$ is Deducted	1901
To M ^r William Gheselin for taking the Jurors Names in the Several Countys on the Western Shore and making a List thereof and Delivering the same to the Several County Clerks in Order to receive their Allowances at 100 lb Tobacco p year whereof $\frac{1}{4}$ is Deducted	75

[folio 6] 11741

The Committee Adjourns untill four a Clock in the Afternoon.

Post Meridiem,

The Committee meet according to Adjournment

Present as in the forenoon

p. 263 To Coll M. Tilghman Ward for 2 days Attendance as one of the Justices of the Provincial Court in May 1730 at 140 p day 280 whereof $\frac{1}{4}$ is deducted	210
To William Lock Esq ^r for 6 Ditto in May 1730 at 140 p day 840 whereof $\frac{1}{4}$ is Deducted.	630
To Coll. John Smith for 6 D ^o in May 1730 at 140 p day & 4 days Itinerant Charges 1160 whereof $\frac{1}{4}$ is Deducted	870
To Benjamin Tasker Esq ^r for 3 Ditto in May 1730 at 140 p day 420 whereof $\frac{1}{4}$ is Deducted	315
To Phillip Lee Esq ^r for 3 Ditto in May 1730 at 140 p day 420 whereof $\frac{1}{4}$ is Deducted	315
To George Plater Esq ^r for 9 Ditto in May 1730 at 140 p day and 6 days Itinerant Charges 1740 whereof $\frac{1}{4}$ is Deducted	1305
To the Several persons following for their Attendance in May Provincial Court 1730 as Jurors Viz.	
Ann Arund ^{ll} To M ^r Phillip Hammond for 3 days at 15 lb Tobacco p day is 45 whereof $\frac{1}{4}$ is deducted	34
To M ^r Lewis Jones for 3 D ^o at D ^o 45 with D ^o	34

To M ^r Thomas Tucker for 2 D ^o at D ^o 30 with D ^o	23	L. H. J.
To M ^r Thomas Davis Sen ^r for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r Benj ^a Gaither for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r John Dorsey son of Edward for 3 days Attendance in May Prov ^l Court 1730 as Jurymen 45 whereof $\frac{1}{4}$ is De- ducted	34	

[folio 7]

3804

To M ^r John Dorsey Jun ^r for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r Robert Shipley for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r John Hammond son of Charles for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r Henry Hall for 2 D ^o at D ^o 30 with D ^o	23	
To M ^r Abraham Woodward for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r Richard Williams for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r Thomas Clark for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r Walter Phelps for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r John Cheney for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r John Jacobs for 3 D ^o at D ^o 45 with D ^o	34	p. 264
To M ^r Caleb Dorsey for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r Thomas Lusby for 2 D ^o at D ^o 30 with D ^o	23	
To M ^r Charles Griffith for one D ^o at D ^o 15 with D ^o	12	
To M ^r Henry Ridgley for one D ^o at D ^o 15 with D ^o	12	
To M ^r Thomas Jobson for 2 D ^o at D ^o 30 with D ^o	23	
To M ^r Thomas Baldwin for 3 D ^o at D ^o 45 with D ^o	34	
To M ^r William Whitehead for 1 D ^o at D ^o 15 with D ^o	12	
To William Lock Esq ^r as one of the Justices of the Assize for the Western Shore for riding Aprill 1730 Assizes 5000 Whereof $\frac{1}{4}$ is deducted	3750	
To Coll. Smith as one of D ^o for D ^o 5000 with D ^o	3750	

[folio 8]

8013

The Committee Adjourns untill to Morrow Morning at Ten a
Clock

Thursday May the 28th 1730

The Committee meet according to Adjournment
Present as yesterday.

To Coll ^o M: Tilghman Ward as one of the Justices of Assize for the Eastern Shore for riding April Assizes 1730. 5000 whereof $\frac{1}{4}$ is Deducted	3750	
To Coll ^o Roger Woolford as one of D ^o for riding Dorchester Assizes April 1730. 833 whereof $\frac{1}{4}$ is deducted	625	
To M ^r William Parks for Printing the Votes for the Lower House this Sessions 20 days at 100 p day is 2000 Whereof $\frac{1}{4}$ is deducted	1500	
The Committee Adjourns until four a Clock in the Afternoon		

L. H. J. By the Upper House of Assembly 11th June 1730.

The Engrossed Bill whereof this is the Original is read & Assented to.

Signed p Order Jn^o Ross Cl. Up. Ho.

Mr Peter Taylor appeared in the House this Morning.

The House Adjourned untill Two of the Clock in the Afternoon

Thursday at Two of the Clock in the Afternoon,

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

A Bill Entituled an Act to Enable the Clerk of Dorchester County to Deliver a Deed of Bargain and Sale from the Heir of Henry Bray to William Cornwallis unto Richard Bennett Esq^r and to Enable the Clerk of Queen Anns County to deliver a Deed of Sale from the Heir of John Jones to the said Cornwallis to the Clerk of the Dorchester County & to Enable him to Record the Same.

Was read the first & Second time by an Especial Order & Passed and Sent to the Upper House by M^r Chamberlain & M^r Edmundson, Who return & say they delivered the same.

Coll^o Ward from the Upper House delivered to M^r Speaker the bill Entituled an Act for the Releif of Thomas Worsley &c. Indorsed thus. [The text of this endorsement is printed at page 44.]

Coll^o Holland and John Hall Esq^r from the Upper House Acquainted M^r Speaker that the Governour required the Presence of him and the rest of the Members of this House Immediately in the Upper House.

p. 238 M^r Speaker and the other Members went where the Governour in the Usual Manner passed the Bill Entituled an Act for Emproving the Staple of Tobacco &c. into a Law.

M^r Speaker and the rest of the Members of this House returned, M^r Speaker reassumed the Chair.

M^r Key had Leave to go home.

Coll^o Tilghman from the Upper House delivered to M^r Speaker the following Message [The text of this message is printed at page 46.]

p. 239 The following Message [The text of this message is printed at page 47.] And the Bill for the Releif of Several poor Prisoners were Sent to the Upper House by Maj^r King & M^r Johnson, Who return and say they delivered the same

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the paper Bill Entituled an Act Altering the bounds of Two Acres of Land heretofore Granted to Great Choptank Parish &c.

The Paper Bill Entituled an Act for building a Church in Balte- L. H. J.
more County &c^a

The Paper Bill Entituled a Supplementary Act to the Act Entituled an Act for the Laying out of Land and Erecting a Town in Saint Marys County &c.

And the Paper Bill Entituled an Act to Enable the High Court of Appeals to Continue an Appeal therein depending &c. Severally Indorsed thus.

By the Upper House of Assembly 11th June 1730.

The Ingrossed Bill Whereof this is the Original is read and Assented to

Signed p Order Jn^o Ross Cl. Up. Ho.

The House Adjourned untill to Morrow Morning at Seven of the Clock.

Friday June the 12th 1730.

June 12

The House met according to Adjournment. The Members were Called and all Present as Yesterday. The proceedings of Yesterday were read.

An Ingrossed Bill Entituled a Supplementary Act to the Act for the Advancement of Justice.

An Ingrossed Bill Entituled an Act for the Naturalization of John Hendrickson &c.

An Ingrossed Bill Entituled an Act to Confirm two Deeds of Sale the one from George Oldfeild and Petronella his wife &c.

An Ingrossed Bill Entituled an Act to Record a Deed of Bargain & Sale made by Thomas Humphreys Esq^r and Mary his wife to John Gresham Esq^r

An Ingrossed Bill Entituled an Act to Cut of an Entail of a Tract of Land called Marshes Seat &c.

And an Ingrossed Bill Entituled an Act for Laying out the Town a New Commonly called Chester Town in Kent County and for Ascertaining the bounds thereof Were Severally read & Assented to and Sent to the Upper House with the paper Bills thereof by Capⁿ p. 240 Elliot and Capⁿ Blackistone, Who return and say they Delivered the same.

John Hall Esq^r from the Upper House delivered to M^r Speaker the Bill for the Releif of Several Poor Prisoners and the following Message. [The text of this message is printed at page 48.]

Coll^o Rider from the Upper House delivered to M^r Speaker the paper Bill Entituled an Act for the Laying out of Land And Erecting a Town at a place called Broxons Point in Cecil County.

L. H. J.

Post Meridiem.

The Committee meet according to Adjournment.

Present as in the forenoon

The Committee Adjourns untill Monday Morning Ten a Clock

Monday June the 8th 1730

The Committee meet according to Adjournment

Present as on Saturday.

p. 267 To Coll. Richard Tilghman for 2 days Attendance in February Court of Appeals 1729 at 150 p day and 6 days Itinerant Charges 780 whereof $\frac{1}{4}$ is Deducted	585
To M. Tilghman Ward Esq ^r for 2 D ^o in D ^o Court of Appeals 1729 at 150 p day and 6 days Itinerant Charges 780 whereof $\frac{1}{4}$ is deducted	585
To Charles Calvert Esq ^r for 2 D ^o in D ^o Court of Appeals 1729 and 2 D ^o in May 1730 which in the whole is 4 days at 150 p day is 600 whereof $\frac{1}{4}$ is deducted.	450
To Benjamin Tasker Esq ^r for 2 D ^o in D ^o Court of Appeals 1729 and 2 D ^o in May 1730 which in the whole is 4 days. 620 whereof $\frac{1}{4}$ is deducted	450
To Phillip Lee Esq ^r for D ^o in D ^o Court of Appeals 1729 at 150 p day and 4 days Itinerant Charges 620 whereof $\frac{1}{4}$ is deducted.	465

[folio 13]

2535

The Committee Adjourns untill four a Clock in the Afternoon.

Post Meridiem.

The Committee meet according to Adjournment

Present as in the forenoon

The Committee Adjourns untill to Morrow Morning Ten a Clock

Tuesday June 9th 1730

The Committee meet according to Adjournment

Present as Yesterday.

The Committee Adjourns untill four a Clock in the Afternoon

Post Meridiem.

The Committee meet according to Adjournment

Present as in the forenoon

The Committee Adjourns untill to Morrow Morning Ten a Clock

Wednesday June 10th 1730

The Committee meet according to Adjournment.

Present as Yesterday.

L. H. J.

Ordered Notes to be Affixed at all Publick places within the City of Annapolis to give Notice that no Account or Claim from the Publick (to be now Allowed) will be received by this Committee after Thursday next. p. 268

The Committee Adjourns untill four a Clock in the Afternoon

Post Meridiem.

The Committee meet according to Adjournment

Present as in the forenoon.

The Committee Adjourns until to Morrow Morning Ten a Clock

Thursday June 11th 1730

The Committee meet according to Adjournment

Present as yesterday

The Committee Adjourns untill four a Clock in the Afternoon.

Post Meridiem.

The Committee meet according to Adjournment.

Present as in the forenoon

The Committee Adjourns untill to Morrow Morning Ten a Clock.

Friday June 12th 1730

The Committee meet according to Adjournment

Present as yesterday.

To M^r Richard Lewis for being Clerk Assistant to the Committee of Laws 5 days at 140 p day is 700 whereof $\frac{1}{4}$ is Deducted.

[folio 15]

525

The Committee Adjourns until four a Clock in the Afternoon.

Post Meridiem.

The Committee meet according to Adjournment

Present as in the forenoon

The Committee Adjourns untill to Morrow Morning Ten a Clock.

Saturday June 13th 1730

The Committee meet according to Adjournment

Present as Yesterday.

To M^r Thomas Clark for being Clerk Assistant to the Committee of Laws 5 days at 140 p day is 700 whereof $\frac{1}{4}$ is Deducted

525

NB: this Article not Allowed { To M^r John Gibson for being Clerk to the Committee for Inspecting the Records 5 days at 140 p day is 700 whereof $\frac{1}{4}$ is Deducted

525

L. H. J. To M^r Richard Lewis for being Clerk to the Conference to
 p. 269 Consider about the Tobacco Law 10 Days at 140 p day is
 400 whereof $\frac{1}{4}$ is Deducted 1045
 To M^r Michael Macnemara for Engrossing the Address to the
 Governour Concerning a friendly Correspondence with the
 Gentlemen of Virginia 100 whereof $\frac{1}{4}$ is Deducted 75

[folio 16] 2170

The Committee Adjourns to the House

Signed p Order Cha: Worthington Cl. Com. Accounts.

The Province of Maryland D^r in Tobacco.

To The Several Allowances as in foll. 1	3240
3	53255
4	80190
5	35583
6	11741
7	3804
8	8013
9	6400
13	2535
15	525
16	2170

207456

Ball due last year to the publick in the Sher. of Somerset
 Countys hand is 5758 out of which $\frac{1}{4}$ is Deducted so that the
 Remainder is.

4319

203137

To the Sher. Sallary for the above Ballance

20313

Sum total.

223450

The Province of Maryland D^r in Cash

To the Several Disbursements to be made Viz.

To the Several Members of the Honourable the Lower House of
 Assembly for their ferrages to this Present Assembly.

		£. s. d.
p. 270	St. Marys {	To Coll ^o Thomas Truman Greenfeild
		To M ^r Thomas Waughop
		To M ^r Phillip Key
		To M ^r John Young
	Calvert {	To Coll. John Mackall
		To M ^r Benj ^a Mackall
		To M ^r Walter Smith
		To Maj ^r Adderton Skinner
		0:6:0
		0:6:0
		0:6:0
		0:6:0
		0:3:0
		0:3:0
		0:3:0
		0:3:0

Charles	{ To Coll ^o John Fendall	0:6:0	L. H. J.
	{ To M ^r Robert Hanson	0:6:0	
	{ To M ^r Samuel Hanson	0:6:0	
	{ To M ^r John Courts	0:6:0	
P. Georg ^s	{ To M ^r John Magruder	0:6:0	
	{ To M ^r Ralph Crabb	0:6:0	
	{ To Coll. Joseph Belt	0:6:0	
	{ To M ^r Edward Sprigg	0:6:0	
Baltem ^r	{ To M ^r Roger Mathews	0:6:0	
	{ To M ^r Daniel Scott	0:6:0	
	{ To M ^r William Hamilton	0:6:0	
	{ To M ^r Thomas Tolley	0:6:0	

[folio 27]

£5:8:0

To M ^r Thomas Jobson for his usual Allowance for looking after the Stadt House for one year	2:0:0	
To John Hall Esq ^r for his ferrages to this Assembly	0:6:0	
To Philemon Lloyd Esq ^r for D ^o	0:9:0	
To Coll ^o Richard Tilghman for D ^o	0:9:0	
To Coll ^o M. Tilghman Ward for D ^o	0:9:0	
To John Rousby Esq ^r for D ^o	0:3:0	
To Phillip Lee Esq ^r for D ^o	0:6:0	
To John Ryder Esq ^r for D ^o	0:9:0	
To Coll ^o John Smith for his ferrages to May Provincial Court 1730	0:3:0	p. 271
To M ^r George Plater for D ^o to D ^o	0:6:0	
To his Honour Benedick Leonard Calvert Esq ^r Gov ^r of Maryland for the rent of his House the third year	50:0:0	
To Coll ^o Richard Tilghman for his ferrages to Feb ^{ry} Court of Appeals 1729	0:9:0	
To M. Tilghman Ward Esq ^r for D ^o	0:9:0	
To Phillip Lee Esq ^r for D ^o	0:6:0	

[folio 28]

£56:4:0

The Province of Maryland D^r in Cash

To the Several Cash Allowances made in this Journal in fol. 27.	5: 8:0
28.	56: 4:0

61:12:0

To M ^r Thomas Clark for Ingrossing part of the Tobacco Law and for Ingrossing the Attorneys Law	04: 0:0
To M ^r Dulany for having Laid-out Mony for the Service of the Province Sterl. £12:12s:0d which in Currancy is	16:16:0

82:08:0

L. H. J. To M^{rs} Jordan for a Room 01:00:0
 To M^r John Lusby for Attending M^r Beckingham as Ser-
 jeant at Arms 4:18:6

[For the text of the endorsements to this list see pages 57, 58.]

p. 272 A Bill Entituled an Act Impowering a Committee to Lay Assess
 & Apportion the Publick Levy for this present Year One thousand
 Seven hundred & thirty was read the first and Second time by an
 Especial Order & passed & Sent to the Upper House by John Beale
 Esq^r and Coll^o Ennalls, who return & say they delivered the same.

Coll^o Tilghman from the Upper House delivered to M^r Speaker the
 Bill Entituled an Act Impowering a Committee to lay Assess and
 Apportion the Publick Levy for this Present Year One thousand
 Seven hundred & thirty Indorsed thus, [The text of this endorse-
 ment is printed at page 53.]

Which Bill was read here and passed for Ingrossing.

An Ingrossed Bill Entituled an Act Impowering a Committee
 to lay Assess & Apportion the Publick Levy for this Present year
 One thousand Seven hundred & thirty was read and Assented to
 and Sent to the Upper House with the Paper Bill thereof by M^r
 Warfield and Maj^r Turbutt.

Who return and say they delivered the Same.

Benjamin Tasker Esq^r from the Upper House delivered to M^r
 Speaker the Paper Bill Entituled an Act Impowering a Committee
 to Lay Assess and apportion the Publick Levy for this Present year
 One thousand seven hundred & thirty Indorsed thus.

By the Upper House of Assembly 15th June 1730.

The Engrossed bill whereof this is the Original is read & As-
 sented to

Signed p Order Jn^o Ross Cl. Up. Ho.

The House Adjourned untill to Morrow Morning at Seven a
 Clock.

June 16 Tuesday June the 16th 1730.

The house met according to Adjournment

The Members were Called & all Present as yesterday, The pro-
 ceedings of Yesterday were read.

The Question was put that the Expence of this Assembly be Dis-
 charged in Cash at 10s p hundred from Saturday last. Resolved in
 the Affirmative.

p. 273 The following Message [The text of this message is printed
 at page 60.] Was Sent to the Upper House by M^r Hemsley, Who
 return and says he delivered the same. John Hall Esq^r from the

Upper House delivered to M^r Speaker the following Message Viz. L. H. J.
[The text of this message is printed at page 60.]

Coll^o Greenfeild from the Committee Appointed to Prepare an Address to the Lord Proprietary in Conjunction with the Gentlemen of the Upper House brought in one read the same in his Place & Delivered it in at the board which was afterwards read by the Clerk of this House and approved of.

The Address was as followeth [The text of this address is printed at page 60.]

Ordered that there be Several Copys of the Tobacco Law made by the Printer. In Order that the Vestry of Each parish may have them in due time. p. 275

The following Message.

p. 276

By the Lower House of Assembly June the 16th 1730

May it Please your Honours.

This House approves the Address of the Lord Proprietary Prepared by the Committee of both Houses and is Desirous to know the Resolution of your house in Relation thereto

Signed p Order M : Macnemara Cl : Lo : Ho.

Was Sent to the Upper House by Maj^r Hanson & M^r Worthington Who return & say they delivered the same.

Benjamin Tasker Esq^r from the Upper House delivered to M^r Speaker the following Message Viz.

By the Upper House of Assembly 16th June 1730.

Gentlemen.

This House also approves of the Address prepared by the Committee of both House[s] and Desires the same may be Engrossed in Order for its being Signed.

Signed p Order Jn^o Ross Cl. Up. Ho.

The Address to the Lord Proprietary was Ordered to be Ingrossed.
The House Adjourned untill Two of the Clock in the Afternoon

Tuesday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

Ordered on the Representation of James Hollyday Esq^r who hath a bill returned Protested drawn by Capⁿ Magier paid to Benjamin Tasker Esq^r as Naval Officer in this Province & by him Indorsed to the said James Hollyday as Treasurer of the Eastern Shore of Maryland that unless an Intimation be given to the said Hollyday from M^r Hunt, Merchant in London by the first of March next that

L. H. J. the second bill of Exchange of the said Capⁿ Magier be paid, that a Suit be Commenced against the said Benjamin Tasker on the first bill of the said Magiers Draught and returned under Protest.

An Additional Mony Journal to the Committee of Accounts was read & Assented to and sent to the Upper House by M^r Beale and M^r Johnson Who return and say they delivered the Same.

p. 277 The following Message [The text of this message is printed at page 63.] Was Sent to the Upper House by Maj^r Turbutt and M^r George Who return and Say they delivered the same.

John Rousby Esq^r from the Upper House delivered to M^r Speaker the Mony Journal Assented to by the Upper House of Assembly and the following Message. [The text of this message is printed at page 63.]

The Mony Journal was as followeth Viz.

June the 16th 1730.

By Order of the Honourable Lower House of Assembly the Committee of Accounts proceed to make Several Allowances in Mony in Lieu of Several Tobacco Allowances that were not Allowed in the Journal of the Committee of Accounts Viz. To the Several Members of the Honourable Upper House of Assembly for their respective Attendances more than were Allowed them in the Journal of the Committee of Accounts.

To Charles Calvert Esq^r for 3 days Attendance 450th

Tobacco whereof $\frac{1}{4}$ is Deducted 338th Tobacco which in £ s. d.

Mony at 10^s p Hundred is.

1 : 13 : 9 $\frac{1}{2}$

To Coll^o William Holland for Ditto at Ditto

1 : 13 : 9 $\frac{1}{2}$

p. 278 To John Hall Esq^r for D^o at Ditto

1 : 13 : 9 $\frac{1}{2}$

To Philemon Lloyd Esq^r for D^o at Ditto

1 : 13 : 9 $\frac{1}{2}$

To Coll^o Richard Tilghman for D^o at D^o

1 : 13 : 9 $\frac{1}{2}$

To Coll^o M : Tilghman Ward for D^o at D^o

1 : 13 : 9 $\frac{1}{2}$

To John Rousby Esq^r for D^o at D^o

1 : 13 : 9 $\frac{1}{2}$

To Benjamin Tasker Esq^r for D^o at D^o

1 : 13 : 9 $\frac{1}{2}$

To John Ryder Esq^r for D^o at D^o

1 : 13 : 9 $\frac{1}{2}$

To the Several Members of the Lower House of Assembly for their Respective Attendance more than were Allowed them in the Journal of the Committee of Accounts Viz.

St. Maries

{ To Coll^o Thomas Truman Greenfeild
for 3 days Attendance 420 lb To-
bacco whereof $\frac{1}{4}$ is Deducted 315 lb
Tobacco which in Mony at 10^s p
hundred is

1 : 11 : 6

To M^r Thomas Waughop for D^o at D^o

1 : 11 : 6

To M^r John Young for D^o at D^o

1 : 11 : 6

Kent	{	To James Harris Esq ^r for D ^o at D ^o	1: 11: 6	L. H. J.
		To M ^r Phillip Kennard for D ^o at D ^o	1: 11: 6	
		To M ^r George Wilson for D ^o at D ^o	1: 11: 6	
		To M ^r Ebenezer Blackistone for D ^o at D ^o	1: 11: 6	
			26: 4: 7½	
Ann Arund ^{ll}	{	To John Beale Esq ^r for 3 days At- tendance 420 lb whereof ¼ is De- ducted 315 lb Tobacco at 10 ^s p hun- dred is	1: 11: 6	
		To Daniel Dulany Esq ^r for D ^o at D ^o	1: 11: 6	
		To M ^r Richard Warfeild for D ^o at D ^o	1: 11: 6	
		To M ^r Thomas Worthington for D ^o at D ^o	1: 11: 6	
Calvert	{	To Coll ^o John Mackall for D ^o at D ^o	1: 11: 6	
		To M ^r Benjamin Mackall for D ^o at D ^o	1: 11: 6	
		To M ^r Walter Smith for D ^o at D ^o	1: 11: 6	
		To Maj ^r Adderton Skinner for D ^o at D ^o	1: 11: 6	
Charles	{	To Coll ^o John Fendall for D ^o at D ^o	1: 11: 6	
		To M ^r Robert Hanson for D ^o at D ^o	1: 11: 6	
		To M ^r Samuel Hanson for D ^o at D ^o	1: 11: 6	p. 279
		To M ^r John Courts for D ^o at D ^o	1: 11: 6	
Som ^r set	{	To Coll ^o Levin Gale for D ^o at D ^o	1: 11: 6	
		To M ^r Robert King for D ^o at D ^o	1: 11: 6	
		To M ^r William Stoughton for D ^o at D ^o	1: 11: 6	
		To M ^r George Dashield for D ^o at D ^o	1: 11: 6	
Talbot	{	To M ^r James Hollyday for D ^o at D ^o	1: 11: 6	
		To M ^r Samuel Chamberlain for D ^o at D ^o	1: 11: 6	
		To M ^r John Edmundson for D ^o at D ^o	1: 11: 6	
Dorch ^r	{	To M ^r Peter Taylor for D ^o at D ^o	1: 11: 6	
		To M ^r John Kirk for D ^o at D ^o	1: 11: 6	
		To M ^r John Brannock for D ^o at D ^o	1: 11: 6	
		To M ^r William Ennalls for D ^o at D ^o	1: 11: 6	
Cecil	{	To Coll ^o Ephm. Aug ^{ne} Herman for D ^o at D ^o	1: 11: 6	
		To M ^r Thomas Johnson for D ^o at D ^o	1: 11: 6	
		To M ^r Joshua George for D ^o at D ^o	1: 11: 6	
Baltemore	{	To M ^r Roger Mathews for D ^o at D ^o	1: 11: 6	
		To M ^r Daniel Scott for D ^o at D ^o	1: 11: 6	
		To M ^r William Hamilton for D ^o at D ^o	1: 11: 6	
		To M ^r Thomas Tolley for D ^o at D ^o	1: 11: 6	
			73: 9: 7½	

L. H. J.	{	To Mr Ralph Crabb for 3 days Attendance 420 lb Tob ^o whereof $\frac{1}{4}$ is Deducted 315 lb Tobacco which in Mony at 10 ^s p hundred is	1 : 11 : 6
P. Georges		To Mr Joseph Belt for D ^o at D ^o	1 : 11 : 6
		To Mr Edward Sprigg for D ^o at D ^o	1 : 11 : 6
p. 280 City Annapolis	{	To Mr Robert Gordon for D ^o at D ^o	1 : 11 : 6
		To Mr Edmund Jennings for D ^o at D ^o	1 : 11 : 6
Q. Ann's	{	To Mr William Elliot for D ^o at D ^o	1 : 11 : 6
		To Mr Augustine Thompson for D ^o at D ^o	1 : 11 : 6
		To Mr William Hemsley for D ^o at D ^o	1 : 11 : 6
		To Mr William Turbutt for D ^o at D ^o	1 : 11 : 6

To the Several Clerks and other Officers for their Service and Attend^a more than were Allowed them in the Journal of the Committee of Accounts Viz.

To Mr John Ross as Clerk to the Upper House for his Expences 36 days 240 th whereof $\frac{1}{4}$ is Deducted 180 th Tobacco Which in Mony at 10 ^s p hundred	0 : 18 : 0
To Mr Michael Macnemara as Clerk to the Lower house for D ^o at D ^o	0 : 18 : 0
To Mr William Ghiselin as Clerk to the Committee of Laws for D ^o days Attendance 600 th Tobacco whereof $\frac{1}{4}$ is Deducted 450 th which in Mony at 10 ^s p hundred is	2 : 5 : 0
To Charles Worthington As Clerk to the Committee of Accounts for D ^o days Attendance 420 th Tobacco whereof $\frac{1}{4}$ is Deducted 315 th which at 10 ^s p hundred is	1 : 11 : 6
To Mr Richard Lewis for being Clerk Assistant to the Committee of Laws for D ^o at D ^o	1 : 11 : 6
To Mr Thomas Clark for being Clerk Assistant to the Committee of Laws for D ^o at D ^o	1 : 11 : 6
	96 : 8 : 7 $\frac{1}{2}$
To Mr John Young as Door Keeper to the Upper House 3 Days 300 th Tobacco Whereof $\frac{1}{4}$ is Deducted 225 th Tobacco which in Mony at 10 ^s p hundred is	1 : 2 : 6
To Mr Thomas Jobson as Serj ^t to the Lower House for D ^o at D ^o	1 : 2 : 6
To Mr Moses Adney as Door Keeper to the Lower House of Assembly for D ^o at D ^o	1 : 2 : 6
To Mr William Parks for 2 days printing the Votes this Sessions 200 th Tobacco whereof $\frac{1}{4}$ is Deducted 150 th Tobacco which in Mony at 10 ^s p hundred is	0 : 15 : 0

Sum total.	100 : 11 : 1 $\frac{1}{2}$
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[The text of the endorsements to this list is printed at page 62.] L. H. J.

Ordered that the Treasurer of the Western Shore pay the Several persons mentioned in the Mony Journal what is therein Allowed to them.

Coll^o Greenfeild and John Beale Esq^r were Ordered to go and Acquaint the Upper House that nothing of Moment lay before this House to Transact, They return & Inform M^r Speaker with the Delivery of their Message.

John Hall & Philemon Lloyd Esq^{rs} from the Upper House acquaint M^r Speaker that the Governour requires him and the rest of the Members of this House to Attend him Immediately in the Upper House.

They Withdrew

M^r Speaker and the rest of the Members of this House went to the Upper House M^r Speaker presented to the Governour the following Ingrossed Bills [This list of bills is printed at page 64.]

All which the Governour passed into Laws by sealing them with p. 283
the Right Honourable the Lord Proprietarys Greater Seal at Arms and Severally thus Indorsing them Viz.

June the 16th 1730 On behalf of the Right Honourable the Lord Proprietary of This Province I will this be a Law Bened^t Leon^d Calvert

After which the Governour made the following Speech [The p. 284
text of this speech is printed at page 66.]

Then the Governour with the Advice of his Lordships Council was pleased to Prorogue this Assembly to the first Tuesday in October next.

M^r Speaker with the rest of the Members of this House returned.

M^r Speaker reassumed the Chair and repeated what the Governour had done and said.

Whereupon this House Prorogues it Self to the first Tuesday in October next.

So Endeth this Third Session of Assembly this 16th day of June Anno Domini 1730.

Test. M. Macnemara Cl. Lo. Ho.

ACTS

Session At a Session of Assembly begun and held at the City of Annapolis,
 Laws in Maryland, the Twenty First Day of May, 1730, the following
 printed by Laws were Enacted.
 William
 Parks, 1730
 Chap. VII
 p. 1
 Continues An Act for Improving the Staple of Tobacco; and for continuing
 1717, ch. 7 Part of an Act ascertaining the Gauge and Tare of Tobacco-
 [Chap. VIII Hogsheads; and to prevent cropping, cutting, and defacing To-
 is a private bacco taken on board Ships or Vessels upon Freight; and for
 act of which laying Impositions on Tobacco per the Hogshead, for the Support
 the text is of Government; and for the encouraging Settlements in this
 not found] Province, by ascertaining the Manner of paying his Lordship's
 Alienation Fines and Quit-Rents, for the Term therein proposed;
 and for the taking off the Three-pence per Hogshead formerly
 raised for the Publick Charge.

Whereas, it is evident to this General Assembly, That unless some Provision be made for the Improvement of the Staple of Tobacco, the People of Maryland, whose present Dependance is on the Produce of that Commodity, must be inevitably reduced to want common Necessaries, or to fall upon some other Ways and Means, however difficult, to supply themselves.

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every labouring Taxable Person, working in Tobacco, (except such Persons as are herein after-mentioned,) and every Overseer shall have Liberty to tend Six Thousand Tobacco-Plants Yearly, during the Continuance of this Act, and no more: And that every Housekeeper, whether Male or Female, having no Taxables, shall be allowed to tend for him or herself, Ten Thousand Plants, and no more: And every House-keeper, whether Male or Female, having no more than one Taxable, shall be allowed to tend for him or herself, Seven Thousand Plants, and no more: And for such Taxable, the like Number of Plants, and no more: And That every Male Child, from Twelve to Sixteen Years of Age, and every Male Servant within the same Ages, and each Slave, Male or Female, within the same Ages, belonging to any of the fore-mentioned Housekeepers, shall be allowed to tend Three Thousand Plants, and no more: And that every such Housekeeper, having One White Woman Servant, shall be allowed to tend for such Servant, Three Thousand Tobacco-Plants, and no more: And such House-keeper, having more than One White Woman Servant, shall have

Liberty to tend Three Thousand Plants, for each of such White Women Servants, and no more. Session Laws

Provided, That no such Housekeeper, shall have any Allowance for more than Two White Women, whereof the Wife or Mistress of the Family, if employed in making Tobacco, and having but one White Woman Servant, shall always be accounted One. p. 2

And that all Persons, having more than One Taxable, and not more than Four, shall be allowed to tend with each Male Child, from Thirteen to Sixteen Years of Age, and with each Male Servant, within the same Ages, and for each Slave, Male, or Female, within the same Age, that shall be employ'd in making Tobacco, Three Thousand Plants, and no more. And that no Person, having Five Taxables, who shall be employ'd in making Tobacco, or whereof one or more shall be employ'd in any Trade, or any other Labour, except Household or Domestick Service, shall be allowed to tend any Number of Tobacco-Plants, for him or herself, nor have any Allowance for any of his or her Female Children, or White Women Servants, nor for any Male Child, under Sixteen Years of Age, nor for any Male Servant or Slave, Male or Female, under Thirteen Years of Age; but that each Male Servant, and each Male or Female Slave, from Thirteen to Sixteen Years of Age, belonging to such Person, having Five Taxables, as aforesaid, that shall be employ'd in making Tobacco, may tend Three Thousand Tobacco-Plants, and no more: And that no Person, being a Freeman, who shall Work at his Trade for his Livelihood, shall be allowed to Plant any Tobacco.

And Be It Further Enacted, That no Servant or Slave, being a Tradesman, who shall at any Time, between the Publication of this Act, and the First Day of September next, and between the First Day of April, and the First Day of September Yearly, during the Continuance of this Act, work at his or their Trade or Trades, upon the Plantation or Plantations of any Person or Persons, nor any Servant or Slave, who shall, at any Time, between the Times aforesaid, during the Continuance of this Act, be employ'd as Coachman, Groom, Waiting-Man, Cook, Dairy-Maid, or in any other Domestick Office or Service, in or about the Dwelling-House of his or her Master or Mistress, nor White Women, (except as before excepted,) shall be allow'd to tend any Tobacco.

Provided, That nothing in this Act shall be construed to restrain any Tradesman or other Housekeeper from repairing or building any House or Houses, to him or them belonging, or from doing any Thing else, in his or their Trade or Profession, upon his or their own Plantation, and to his or their own Use; nor to restrain any White Woman allow'd by this Act to plant or tend any Tobacco, from doing any Domestick or other Business; nor to hinder or restrain any Slave living at a Quarter, from Milking, Washing,

Session Dressing Victuals, or any other Domestick Business, at such Quarter,
 Laws for the Use of the Overseer, Servants, or Slaves, there employed.

And Be It Further Enacted, by the Authority aforesaid, That the Vestry of every Parish within this Province, shall, on or before the First Day of July next, and on or before the First Day of June Yearly, in every other Year than this present Year, during the Continuance of this Act, lay out their respective Parishes into Precincts, and appoint One sufficient Person in each Precinct, to examine and enquire of the Names and Number of the Persons hereby allowed to
 p. 3 tend Tobacco, and the Crops of the several Planters within the said Precinct, and the Number of Plants growing on any and every Plantation or Plantations within the same: And on or before the Twentieth Day of the Month of July, in this present, and every other Year, during the Continuance of this Act, to begin to count the Plants, and cut, or cause to be cut up and destroyed, all Stalks, Slips, and Suckers, within such Precinct, and to proceed therein as there shall be Occasion; which Persons so appointed, are hereby enjoined carefully to review and examine all the several Fields and Places whereon Tobacco shall be tended, within their several Precincts, Two respective Times, at the least, after the Plants thereon growing, have been by them counted; and as often thereafter, as they shall judge necessary, in order to discover whether any Slips or Suckers, shall be turned out or tended from the Stalks, whence any Tobacco-Plant hath been before cut; and shall take an Oath (or Affirmation, if a Quaker,) before some Justice of the Peace of the County wherein they reside; which Oath (or Affirmation, if a Quaker,) the said Justice is hereby impowered to administer in the Words following, viz.

I A. B. do swear, (or affirm) That I will carefully, diligently, and truly examine and enquire into the Names and Numbers of all Persons allowed to tend Tobacco within my Precinct; and truly and faithfully number and count the Tobacco-Plants growing, or that shall be tended on every Plantation within the same, according to the Directions and true Intent and Meaning of the Act of Assembly, Intituled, An Act, for Improving the Staple of Tobacco; and for continuing Part of An Act, ascertaining the Gauge and Tare of Tobacco-Hogsheads; and to prevent cropping, cutting, and defacing Tobacco taken on board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed; and for the taking off the Three-pence per Hogshead formerly raised for the Publick Charge, to the best of my Knowledge, either by counting the said Tobacco-Plants, growing in the several Hills, Plant by Plant, or otherwise, according to the best of my Understanding; and faithfully and

diligently will review and examine, all the several Fields, and Places, wherein all such Tobacco-Plants are tended; and will cut up and destroy, or cause to be cut up and destroy'd all Stalks from which any Tobacco shall be cut or taken, and all Slips and Suckers growing out of the same above the Length of Nine Inches, which I shall find growing in any of the said Fields or Places aforesaid, according to the Directions of the said Act; and that I will duly execute all the Powers and Authorities given me by the said Act, honestly and impartially, and make a just and true Report of my Proceedings therein, without Favour, Affection, or Prejudice. And that I will inform against all Persons, who shall be guilty of any Breach of the said Act, in any Matter or Thing, wherein a Counter is required to examine and enquire, to some Justice of the Peace, for the County, wherein the Offence shall be committed. So help me God.

And if any Person appointed by the Vestry of any Parish, to view, examine, and number Tobacco-Plants, and to cut up and destroy Tobacco-Stalks, Slips, and Suckers, in Pursuance of this Act, shall refuse to accept the said Office, or who shall accept of the said Office, and shall (Sickness not preventing him) neglect to take the Oath (or Affirmation) by this Act required to be taken, within Three Days after such his Acceptance; such Person shall forfeit and pay the Quantity of One Thousand Pounds of Tobacco, or the Sum of Five Pounds Current Money.

And upon such Refusal, or the Disability of any such Person or Persons, the Vestry of the said Parish shall meet and appoint One other fit Person in the Room of him so refusing, or disabled; and so, from Time to Time, as often as any Person shall refuse, or become incapable, nominate and appoint One other in his stead. And every Person, so nominated and appointed, that shall refuse to accept the said Office, and take the Oath (or Affirmation) as aforesaid, or who shall accept thereof, and neglect to take the said Oath (or Affirmation) as aforesaid, by the Space of Three Days next ensuing such his Acceptance, shall forfeit and pay the like Quantity of One Thousand Pounds of Tobacco, or the Sum of Five Pounds Current Money. And in Case, the Vestry-men of any Parish, shall fail to meet on or before the First Day of July next, and on or before the First Day of June, in every other Year than the present Year, during the Continuance of this Act, Yearly, or shall refuse to do his Duty at such Vestry, so that there shall not be a sufficient Number to hold a Vestry; every such Vestry-man (the Minister excepted) so failing to meet, or refusing to act in such Vestry, shall forfeit and pay the Sum of Twenty Pounds Current Money. And such Vestry are required to meet for the Purpose aforesaid, within Three Days after such Failure. And every Vestry-man (the Minister excepted) who shall then fail to meet, or shall refuse to do his Duty at such Vestry, so that no Vestry is or can be held, shall forfeit and pay the Sum of Thirty Pounds Current Money. And to the End, that the Duty of Number-

Session ing and Examining Tobacco-Plants, and the other Services herein
 Laws before-mentioned, may not be neglected, thro' the Want of due
 Notice to the Persons appointed to perform the same,

Be It Enacted, by the Authority aforesaid, That the Clerk of the Vestry of each Parish, shall immediately after the Nomination of the Persons appointed for examining and numbering the Plants of Tobacco, deliver to each and every of them, a Copy of the Order for their Appointment; and that if the Person so appointed, shall not, within Three Days after the Delivery of such Order, produce, or send to the Clerk of the Vestry, a Certificate of his taking the Oath (or Affirmation) prescribed by this Act, (which Certificate the Person administering the said Oath, is hereby required to give him,) that then, and in all such Cases, such appointed Person shall be deemed and taken to have refused to accept of the said Office, and be liable to the Penalty of paying One Thousand Pounds of Tobacco, or the Sum of Five Pounds Current Money. And that the Clerk of the Vestry, shall, in all such Cases, give one of the Church-wardens immediate Notice of the Person appointed to be Counter, his omitting to qualify himself according to the Direction of this Act. And that the Church-warden shall forthwith call a Vestry to meet on the Monday next following such Notice; which Vestry shall nominate and appoint another fit Person in the Room of such as shall refuse to accept of the Office of Counter as aforesaid. And if any of the Persons nominated to be Counters as aforesaid, shall afterwards
 p. 5 become disabled, before he hath performed the Duty hereby required of him, such Person (if not prevented by Sickness,) shall give Notice of such Disability, to one of the Church-wardens of his Parish, within Two Days after the same shall happen: Or, in case such Person becoming incapable as aforesaid, shall be prevented by Sickness, from giving such Notice; that then, and in all such Cases, the next Neighbour of such Person shall be and is hereby required, to give Notice thereof to such Church-warden. And if in such Case, the Vestry of such Parish shall fail to meet; and appoint Others in the room of those so refusing, neglecting, or disabled, according to the Directions herein before mentioned; every Vestry-man (the Minister excepted) who shall then fail to meet, or refuse to do his Duty at such Meeting, so as no Vestry can be held, shall forfeit and pay the Sum of Thirty Pounds Current Money.

Provided Nevertheless, That if any of the Persons appointed to put this Act in Execution, be hindered by Sickness, or other extraordinary Accident, which he could not prevent, and make the same appear to the County-Court, that he shall not be liable to any of the Penalties contained in this Act.

Provided Also, That no Person whatever, shall be exempted from being a Counter, who is fit and able to execute the Duty by this Act required to be executed by a Counter; except Councillors,

Assembly-Men, Clergymen, Magistrates, Sheriffs, Practising Attorneys, Physicians, Clerks, School-Masters, Constables, and Overseers of the High Way. Session Laws

And Provided Also, That no Person shall be liable to any Penalty, or Forfeiture, for not taking the Oaths to the Government.

And for the Encouragement of the Persons nominated and appointed as aforesaid, for examining and numbering the Plants of Tobacco, and for cutting down and destroying Slips and Suckers, in Pursuance of this Act,

Be It Enacted, by the Authority aforesaid, That there shall be levied on the Taxable Persons, in each County, (during the Continuance of this Act,) Five Pounds of Tobacco for every Six Thousand Plants, and proportionably for a less or greater Quantity, which shall be tended and left standing within the said County, to be distributed to the respective Persons, appointed by this Act to view and number the Plants of Tobacco, in Proportion to the Number of Plants viewed and numbered by them in their respective Precincts; which said Five Pounds of Tobacco, the Court of each County within this Province, is hereby impowered and required to assess on the Taxable Inhabitants; and the Sheriff of the County to levy and pay the same to the several Persons to whom the same shall be due, in the Parish wherein they respectively reside, unless such Person shall be content to take the same in some other Parish within the County. And for every Hundred of Tobacco-Stalks which shall have any Suckers or Slips growing thereon, Nine Inches long, which such Person or Persons shall so cut up and destroy, there shall be paid to him or them, by the Owner of such Tobacco-Stalks, or his, or her Overseer, Twenty Pounds of Tobacco; and so proportionably, for a lesser Quantity; to be recovered, with Costs, before any Justice p. 6 of the Peace of the County, wherein the said Tobacco-Stalks shall be so cut up.

And for the better Direction of the Persons appointed for numbering the Plants of Tobacco, Be it Enacted, by the Authority aforesaid, That the Person nominated and sworn in each Precinct, shall repair to the several Plantations, and there take the Number of Tobacco-Plants, by counting the several Plants contained in every respective Piece of Tobacco Ground, in the best Manner, and by such Methods and Rules, as in his Judgment may best discover the true Quantity, having Regard to regular and irregular Pieces of Tobacco-Ground; such Person not being obliged to count such Tobacco-Plants, Plant by Plant, unless he shall think fit so to do.

And if, at any Time hereafter, any more Plants of Tobacco, than are hereby allowed, shall, by the Persons appointed to view and number the same as aforesaid, be found planted or tended on any Plantation or Plantations whatsoever, the Owner, or Overseer of such Plantation or Plantations, shall immediately, in the Presence of the

Session Person or Persons appointed to examine and number the same, cut
Laws up, or cause to be cut up and destroyed, so many Plants as shall exceed the Number herein before allowed, in such Place or Places of the said Tobacco-Grounds, as the said Owner or Overseer shall think fit. And in case the Owner or Overseer of any such Plantation or Plantations, shall refuse and fail so to do, the said Person so appointed to examine and number as aforesaid, be, and is hereby impowered and required to cut up, or cause the same to be cut up and destroyed; and shall have and receive, as a Reward for so doing, Twenty Pounds of Tobacco for every Hundred Plants that shall be so cut up and destroyed by them; to be paid by the Owner or Overseer of such Plantation or Plantations, where such Offence shall be committed. And upon due Proof thereof made by the Oath of the Person appointed as aforesaid, whose Oath therein shall be full and conclusive Evidence, shall and may be recovered before any Justice of the Peace of the County, where such Offence shall be committed: And the Persons so to be appointed to examine and number as aforesaid, are hereby required to make a true Report of their Proceedings, and the Number of Plants on each Plantation in their respective Precincts, to the Clerk of the Court for that County wherein the said Precincts respectively lie, on or before the Tenth Day of September, Yearly.

And Be It Further Enacted, by the Authority aforesaid, That each Person so appointed and sworn to examine and number Tobacco-Plants, and to cut up and destroy Stalks, Slips, and Suckers as aforesaid, failing to make such Report of their Proceedings as aforesaid, shall forfeit and pay Two Thousand Pounds of Tobacco for every such Offence: And if the said Person so appointed to examine and number, and to cut up and destroy Stalks, Slips, and Suckers as aforesaid, shall (knowingly) allow any Person whatsoever to plant and tend on his or her Plantation or Plantations, any more Plants of Tobacco, than are hereby before allowed, or to tend any Seconds, Slips, or Suckers; each Person so offending, shall forfeit and pay Two Thousand Pounds of Tobacco for every such Offence.

p. 7 And Be It Further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Clerk of every County Court shall, for the Reward of Four Hundred Pounds of Tobacco Yearly, to be assessed in the County Levy, and to be paid every such Clerk, fairly transcribe all such Reports as shall be returned to him by the Persons appointed, in Pursuance of this Act, for numbering Plants of Tobacco; and shall set up the same in the Court-house of the said County, at the Two next succeeding Courts after such Return; and shall also file and keep the Original Reports in his Office. And where it shall so happen, that any Parish shall lie in Two Counties, in such Case, a Return shall be made of the Number of Plantations and Plants in each County, to the Clerk of the County wherein such Plantations shall lie, to be transcribed, and set up, and filed by the

Clerk of such County, in Manner aforesaid: And the Clerk of such County failing to do his Duty herein, shall forfeit and pay One Thousand Pounds of Tobacco. Session
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Provided Always, That where any Plantation shall be in Two Parishes, the Tobacco Plants tended thereon, shall be accounted and taken to be within that Parish or Precinct, where the Servants or Slaves employed thereon do reside, or the Quarter for them is situated: And the Persons appointed within that Precinct, where such Quarter stands, and no other, shall view, examine, count, and make Return of the Tobacco-Plants tended on such Plantation accordingly.

Be It Enacted, by the Authority aforesaid, That all Masters of Families and Housekeepers, and all Overseers of distant Plantations, shall give in to the Constables appointed to take the List of Taxables Yearly, when they give in an Account of their Taxables, a true Account of the Names of all Persons, for whom any Benefit of tending Tobacco is allowed by this Act; and shall so distinguish, in his or her List of Taxables, which of the Persons therein mentioned, are allowed to tend Tobacco as aforesaid. And every Master of a Family, Housekeeper, or Overseer, failing so to do, shall forfeit and pay One Thousand Pounds of Tobacco for each Person. And if any Person shall list or enter any Person with the said Constable, in his or her Crop, to tend Tobacco, who is not by this Act allowed to tend Tobacco, the Person so offending, shall forfeit and pay One Thousand Pounds of Tobacco for each Person so falsely entred or listed. And every Constable who is now, or shall be hereafter appointed to take the List of Taxables, is hereby directed and required to take and make separate Lists of all such Persons as are allowed by this Act to tend Tobacco; and shall return such Lists, in the same Manner as the Lists of Taxables are returnable to the Clerk of each respective County-Court, at or before the Twenty Fifth Day of July, Yearly, during the Continuance of this Act; and shall make such Distinction in the List of Taxables by him returned, of the Persons not prohibited by this Act to tend Tobacco.

And Be It Further Enacted, by the Authority aforesaid, That each Person to be appointed, in Pursuance of this Act, to examine and number Plants as aforesaid, who shall plant and tend more Tobacco-Plants on any Plantation or Plantations to him belonging, than is herein before allowed, shall, for every such Offence, forfeit and pay One Thousand Pounds of Tobacco, for every Person above Sixteen Years of Age, on his Plantation, that shall be employed in making Tobacco. And if any Master, Mistress, or Overseer, shall refuse to give a just and true Account, or shall deliver a false Account of the Names of the several Persons by this Act allowed to tend Tobacco on their said Plantation or Plantations; and shall wilfully refuse to shew all the Tobacco planted thereon, or remaining in p. 8

Session any Tobacco-Beds or Plant-Patches, to the Persons appointed to
 Laws view the same; every Master, Mistress, or Overseer, so refusing, or giving a false Account, shall forfeit and pay one Thousand Pounds of Tobacco for every Person above Sixteen Years of Age, employed in making Tobacco, of whom a false Account shall be given; and Two Thousand Pounds of Tobacco for wilfully refusing to shew all the Tobacco planted on any Plantation.

And Be It Further Enacted, by the Authority aforesaid, That where any Suit shall be brought for the Penalties in this Act contained, for entring or listing any Person under Sixteen Years of Age, a Taxable, or that is under Twelve or Thirteen Years of Age, allowed by this Act to plant Tobacco, to be above those Ages, the Age of the Person so listed, shall be proved and determined by the Parish Register; or by Order of the Court, in Case the Age of such Person hath been formerly judged there; or by the Inspection of the Court, upon the Trial, and not otherwise.

And Be It Further Enacted, by the Authority aforesaid, That no Person or Persons whatsoever, shall transfer or make over to any other Person or Persons, any Tobacco-Plants, which he, she, or they shall have growing on his, her, or their Plantation or Plantations, or shall be allowed to tend, for any labouring Taxable, or Worker in Tobacco, any Number of Tobacco-Plants whatsoever, in any other Precinct, than where such Taxable, or Worker in Tobacco, was listed.

And Be It Further Enacted, That all Penalties and Forfeitures in this Act, shall be applied to the Uses, and recovered in the Manner following; (that is to say,) the Moiety of all the Penalties to him or them, that will prosecute or sue for the same, and the other Moiety to defray the County Charge, where the Offence shall be committed. And that all Penalties, not exceeding Four Hundred Pounds of Tobacco, shall be heard, tried, and determined by a Justice of the Peace, as in Case of small Debts. And that all Penalties and Forfeitures, exceeding Four Hundred Pounds of Tobacco, shall be recoverable in the respective County-Courts where the Offences shall be committed, by Action of Debt, Bill, Complaint, or Information, Presentment, or Indictment, wherein no Essoyn, Protection, or Wager of Law shall be allowed.

And Be it Further Enacted, That the Magistrates of the County-Courts shall give in Charge to the several Grand-Juries, to enquire into the Behaviour of all Persons appointed to put this Act in Execution; and the Court may, upon any Presentment of the Grand-Jury, if they think fit, oblige the Party presented, to answer such Presentment without any formal Indictment; and that if upon Confession or Verdict, the Party shall be convict; or that if the Party shall be convict on any Action, Bill, Complaint, Information, or Indictment, the

Court shall proceed to Judgment, which Judgment shall be final; and no Writ of Error or Appeal allowed therein; nor any Advantage taken or allowed, for any Defect or Want of an Indictment, or any other Form in the Proceedings. Any Law, Usage, or Custom to the contrary, notwithstanding.

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p. 9

And for the Ease of People, in paying and discharging the Publick and County Levies, the Forty per Poll, and Lawyers Fees, during the Continuance and Effect of this Act,

Be It Enacted, That Three Fourths only of the following Allowances now established and allowed by Law; (that is to say,) the Allowances to the Members of both Houses of Assembly; the Allowances to all Judges and Justices of any of the Courts of Judicature within this Province; the Lawyers Fees allowed for prosecuting Criminals; and the Allowances to Witnesses for their Attendance in Criminal Cases; the Allowances to Grand and Petit-Jurors for their Attendance, chargeable in the Publick and County Levies; the Allowances for killing Bears, Wolves, Squirrels, and Crows, and the Bounty upon Hemp, shall be levied or assessed in the Publick and County Levies, and paid by the Inhabitants of this Province in full. And that the Payment and Satisfaction of the said Three Fourths, shall be deemed and taken to be a full Discharge of the whole Amount of the said Allowances. And that no Execution shall issue to levy more than the said Three Fourths in Specie.

And Be It Further Enacted, That it shall and may be lawful for each and every of the Inhabitants of this Province, to discharge and pay One Fourth Part of the Forty per Poll, and Lawyers Fees, which shall be due and payable, during the Continuance and Effect of this Act, in Grain, at the Rates and Prices herein after-mentioned; (that is to say,) Wheat, at Forty Two Pounds of Tobacco per Bushel,—Indian Corn, at Twenty Pounds of Tobacco per Bushel,—Barley, at Twenty Four Pounds of Tobacco per Bushel,—and Oats, at Twenty Pounds of Tobacco per Bushel.

Provided, such Grain be delivered or tendered by the Debtor to the Minister, at his Dwelling House; or in Case, the Minister do not reside in the Parish, then at such other convenient Place in the Parish, as shall be appointed by the Minister and Vestry; and to the Lawyer, where the Lawyer and Debtor live in the same County, at such Lawyer's Dwelling Plantation, on or before the Fifteenth Day of March, every Year, during the Continuance and Effect of this Act: And where the Lawyer and Debtor live in different Counties, then the Grain aforesaid to be delivered to the Sheriff of the County, where the Debtor lives, at such Sheriff's Dwelling Plantation, or where the Creditor shall direct in the same County, not being more inconvenient to the Debtor, than the Sheriff's House; and the said Sheriff is hereby obliged and required to receive the same, if brought to his Dwelling Plantation, for the Use of such Creditor; for which receiv-

Session ing, he shall be paid by such Creditor, the usual Salary of Ten per
Laws Cent. in such Commodities as shall be so paid.

And Be It Further Enacted, That One Fourth Part of all Tobacco-
Debts due from any of the Inhabitants of this Province, to any other
p. 10 Inhabitant thereof, which was contracted before the Third Day of
October, Seventeen Hundred and Twenty Eight, may be paid and
discharged in Grain, as aforesaid, in Manner aforesaid.

And Whereas, the Laws heretofore made to prevent false Packing
Tobacco, and false Taring Tobacco-Hogsheads, have not had the
designed Effect; Therefore, for the more effectual preventing such
dishonest and fraudulent Practices for the future,

Be It Enacted, by the Authority aforesaid, That any Person who
shall false pack any Hogshead of Tobacco, as false Packing is de-
scribed in and by an Act, Intituled, An Act securing Merchants and
Others Tobacco, after they have received it; and the declaring the
Altering the Mark or Quality thereof to be Felony; and against false
Packing; and shall pay, or tender the same in Payment; and shall be
convict of such false Packing, shall forfeit Four Hundred Pounds
of Tobacco, for every Hogshead so false packed, to the Person to
whom such Tobacco shall be paid or tendered.

Provided, That such Person shall prosecute for the said Penalty,
within Four Days after his Discovery of such false Packing: And, in
Default of such Prosecution, that the Offender shall forfeit and pay
the Quantity of Four Hundred Pounds of Tobacco for every false-
packed Hogshead, to any other Person who shall prosecute for the
same.

And Be It Further Enacted, That any Person, to whom any such
false-packed Hogshead of Tobacco shall be paid, or tendered, and
who shall connive at, or conceal such false Packing, or neglect or
forbear to prosecute for the said Penalty within Four Days next after
the Discovery of such false Packing, and be thereof convict, shall
forfeit and pay for every false-packed Hogshead so connived at, or
concealed, to the Informer, or the Person who shall sue or prosecute
for the same, the Quantity of Four Hundred Pounds of Tobacco.

And Be It Enacted, That any Person who shall pay, or tender in
Payment, any Hogshead of Tobacco, whereon the Weight of the
Hogshead shall not be cut or marked, according to the Direction of the
Act ascertaining the Gauge and Tare of Tobacco-Hogsheads; and
to prevent cropping, cutting, and defacing Tobacco taken on board
Ships, or Vessels, upon Freight; and for laying Impositions on To-
bacco per the Hogshead, for the Support of Government; and for
the encouraging Settlements in this Province, by ascertaining the
Manner of paying his Lordship's Alienation Fines and Quit Rents,
for the term therein proposed; and for the taking off the Three-pence
per Hogshead, formerly raised for the Publick Charge; shall forfeit
Four Hundred Pounds of Tobacco, to the Person to whom any

untared or false tared Hogshead shall be paid, or tendered to be paid. Session
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Provided, Such Person shall prosecute for such Penalty within Four Days after the Payment or Tendering any untared Hogshead; and within Four Days after the Discovery of any false tared Hogshead: And in Default of Prosecution, by such Person, to whom any untared or false tared Hogshead shall be paid, or tendered, within Four Days, as aforesaid, that then any other Person may prosecute for, and recover the said Penalty of Four Hundred Pounds of Tobacco, for every Hogshead, so as aforesaid false tared or untared.

And Be It Further Enacted, That every Prosecution, for any of the Penalties contained in this Act, for false Packing, or untaring, or false taring, or conniving at, or concealing the same, shall be heard, and finally determined, by a single Magistrate, as in Cases of Small Debts. Any Law; Usage, or Custom to the contrary thereof, notwithstanding. p. 11

And Be It Further Enacted, That such Parts of the said recited Acts, as impose any Penalty for the Offences of false Packing, false Taring, and not Taring; and directing the Manner of prosecuting for such Penalties: And also that Part of the said recited Act which allows Forty Pounds of Tobacco, for each Hogshead paid away, shall be and are hereby repealed and abrogated.

And Be It Enacted, by the Advice, Consent, and Authority aforesaid, That the Act ascertaining the Gauge and Tare of Tobacco-Hogsheads; and to prevent cropping, cutting, and defacing Tobacco taken on board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying His Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed; and for the taking off the Three Pence per Hogshead formerly raised for the Publick Charge, shall be and continue until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Two, except such Parts of Clauses thereof, as are repealed or altered by this present Act.

And Whereas, it is not doubted, but that the Execution of this Act will reduce the Quantity of Tobacco usually made and exported very considerably; but in regard that Reduction cannot be certainly known, and that it will in all Probability, be very advantageous to the Country, it is reasonable and just, that an Equivalent should be paid to the Lord Proprietary, for the Loss he would otherwise sustain by lessening the Exportation. And whereas, upon a Computation of the Tobacco exported in Seven Years, beginning in the Year One Thousand Seven Hundred and Twenty One, it appears in a Medium to be Twenty Eight Thousand Five Hundred and Fifty Six Hogshead Yearly; the Duty whereof, at Three Shillings per

Session Hogshead, amounts to Four Thousand Two Hundred and Eighty
Laws Three Pounds and Eight Shillings Sterling,

Be It Therefore Enacted, by the Authority, Advice, and Consent aforesaid, That the Three-pence per Hogshead directed to be laid out, and applied to purchase Arms and Ammunition for the Defence of this Province, or such Part thereof as shall be necessary, shall be applied towards making up what the Three Shillings per Hogshead on all Tobacco that shall be exported from the Twenty Ninth Day of September, in this present Year, and the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty One, and due and payable to his Lordship, in Lieu of Rents and Alienation Fines, and for the Support of Government, shall fall short of Four Thousand Two Hundred Eighty Three Pounds Eight Shillings Sterling. And that if the said Three Shillings per Hogshead and the said Three-pence per Hogshead
p. 12 shall fall short of the said Sum of Four Thousand Two Hundred Eighty Three Pounds and Eight Shillings Sterling, that it shall and may be lawful for the Governour and Council to pay so much of the Arrears of the said Duty of Three-pence per Hogshead now remaining due and unapplied to his Lordship, as will make up with the said Three Shillings and Three-pence per Hogshead, the Sum of Four Thousand Two Hundred and Eighty Three Pounds and Eight Shillings Sterling compleat, to and for the whole Duty of all Tobacco that shall be exported from the said Twenty Ninth Day of September, One Thousand Seven Hundred and Thirty, to the Twenty Ninth Day of September, One Thousand Seven Hundred and Thirty One.

And Be It Likewise Enacted, That the like Sum of Four Thousand Two Hundred Eighty Three Pounds and Eight Shillings Sterling, shall be paid to the Lord Proprietary, out of the said Duties of Three Shillings and Three Pence per Hogshead, and the Residue of the Money that hath arisen by the said Duty of Three Pence per Hogshead, in full Discharge and Satisfaction of all Money due and payable for the Uses and Purposes aforesaid, on all Tobacco that shall be exported from September the Twenty Ninth, One Thousand Seven Hundred and Thirty One, to September the Twenty Ninth, One Thousand Seven Hundred and Thirty Two. And in case the aforesaid Funds should fall short of making good the Sum of Four Thousand Two Hundred Eighty Three Pounds Eight Shillings Sterling aforesaid, that then the said Deficiency be made good to his Lordship, out of the Monies arising by the Impositions for defraying the Publick Charges of this Province. Any Law, Usage, or Custom to the contrary, notwithstanding.

And Be It Further Enacted, That all and every the Clauses of this Act, which direct and restrain the Number of Tobacco-Plants to be planted by every Person herein before-mentioned, and every Clause and Article relating to the same, and Execution of such Directions

and Restraints, shall continue and be in Force, from and after the Publication of this Act, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty One, and no longer. And that such Clauses of this Act as relate to and direct the Payment of One Fourth Part of such Dues as are herein before directed to be paid in Grain, shall be and continue in Force, from and after the Publication of this Act, until the Thirty First Day of March, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Two.

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An Act for ascertaining the Form of the Oath of Judge, or Justice. Chap. I
[The Proprietary
dissented
thereto]
p. 13

Whereas, the Oath of Judge, or Justice, (appointed to be taken by the Statute of the Eighteenth of Edward the Third,) does not, in many particulars, provide for the Constitution of this Province:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That at some convenient Time after the End of this present Session of Assembly, and before the last Day of August next, the following Oath shall be taken, as the proper Oath of Office, by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen of the City of Annapolis, for the Time being, changing only what is to be changed, according to the different Stations of such Magistrates, viz.

You shall swear, That as a Justice of the Provincial Court of Maryland, in all Articles of his Lordship's Commission to you directed, you shall do equal Law and Right to all the King's Subjects, Rich and Poor, according to the Directions of the Acts of Assembly of this Province, so far forth as they provide; and where they are silent, according to the reasonable Customs of England, and the Laws and Statutes thereof, as are or shall hereafter be Enacted, agreeable to the Usage or Constitution of this Province; and not delay any Person of common Right, for any Cause or Pretence whatsoever. And in case, any Letters, or other Commandments shall come to you, contrary to Law, that you do nothing by them, but cause them to be entered on Record, and certify the King, the Lord Proprietary, or the Governour (for the Time being) of them; and proceed to execute the Law, notwithstanding the same Letters or Commandments. That you shall hold your Courts, according to the Acts of Assembly, and the Directions in your Commission. That you shall do and procure the Profit of the Lord Proprietary in all Things, where you may lawfully and reasonably do the same: And that you shall not debar or hinder the Prosecution of Justice, nor take any Gift, Bribe, or Fee, for delaying or rendering Judgment, but shall behave your

Session self justly, honestly and faithfully, to the best of your Knowledge
Laws and Understanding, so long as you shall continue in the said Office.
So help you God.

And Be It Likewise Enacted, That the same Oath shall be taken by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen of the City of Annapolis, for the Time being, as their
p. 14 proper Oath of Office, to be administered, as hath been heretofore used; and that the same be administered to the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Alderman of the City of Annapolis, now in being, by Virtue of, and according to the Directions of the several Commissions, Writs of Dedimus Potestatem, or the other Authorities, that the late Form of their Oath of Office was administered by: And that after the last Day of August next, none of the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, nor the Justices of the Provincial or County Courts, nor the Mayor, Recorder, and Aldermen of the City of Annapolis, be capable of acting in their respective Stations, without having first taken the said Oath, as their proper Oath of Office, in Manner aforesaid.

Provided, That if the Judges in the High Court of Appeals, Provincial Courts, and Courts of Assize, take the said Oath, at any time before they proceed to the judicial Determination of any Matters of Law in their respective Courts, the same shall be taken as a full Compliance with the Directions of this Act. Any Thing herein before contained to the contrary, in any-wise, notwithstanding.

Chap. XXIV An Act for the Relief of John Smith, a languishing Prisoner, in Cæcil County Goal.

Whereas, John Smith, of Cæcil County, late Sheriff of the said County, by his humble Petition to this General Assembly, hath set forth, That he hath continued a Prisoner for Debt, in the Custody of the present Sheriff of the same County for a considerable Time, in Execution for several large Sums of Money and Tobacco.

And Whereas, the said John Smith also sets forth, That he and his Wife, for the Release of his own Person, and Indemnity of his Securities, are willing to have all that they are entitled to, distributed amongst the Publick Creditors of the said Smith; and hath prayed Leave to bring in a Bill to discharge his Body out of Prison.

And Whereas, it is also represented and made appear to this General Assembly, That the said John Smith, some considerable Time since, convey'd to certain Trustees, a great Part of his Real Estate, for the Use of his Wife and Children; as also, that a certain Rees

Hinton, (Father to the said Smith's Wife, his only Child ; which said Rees was bound to the said Smith as Sheriff, for the due Execution of his Office, which subjected him to the Payment of the major Part of the said Smith's Debts,) devised his Real and Personal Estate to his said Daughter, and her Children by the said Smith, or to others in Trust for them. And for that, the said Smith's being under Confinement, will not benefit his Creditors, Session
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Be It Enacted, That unless all or any of the Creditors of the said John Smith, or the Attorney or Attornies of such Creditor or Creditors, or any of them within this Province, within Twenty Days after the End of this Session of Assembly, go to the Sheriff of Cæcil County, in whose Custody the Prisoner afore-mentioned is detained or kept in Custody, and give good Security to pay the Imprisonment Fees, at Ten Pounds of Tobacco per Day, that shall or may become due from the said Prisoner after the End of the said Twenty Days; and also to find the said John Smith sufficient Meat, Drink, and Cloathing, during his future Imprisonment, in Case the said John Smith, and Jane his Wife shall deliver up and surrender, or cause to be delivered and surrendered to the Sheriff of the said County, in whose Custody he is, in the Presence of Two Justices of the Peace of the same County, whom the said Sheriff is hereby required to summon, at the Request of the said John Smith, at the Dwelling Plantation, or Place of Abode of the said John Smith, some convenient Time between the Twentieth Day of July next, and the Tenth Day of August, all the Real and Personal Estate of them the said John Smith, and Jane his Wife; or which, by Deeds, was made over in Trust for them, or their Children; all such Real and Personal Estates, either in Possession, Reversion, Remainder, or in Trust, or in or unto which, they or any of them have any Claim or Interest whatsoever: And do likewise, betwixt the Days aforesaid, convey, assign, transfer, and make over unto the Sheriff of the County aforesaid, for the Use of his Creditors, as Sheriff, all such Estate, Interest, and Claim as aforesaid, after such Manner as the said Sheriff, and the major Part of his Creditors, or of such of them as shall think fit to direct therein, or their Council learned in the Law, shall reasonably devise and require, at the Costs and Charges of such Persons as shall Claim the Benefit thereof; so as the said John Smith, and Jane his Wife, be not burthened with any Warranties thereby, other than from themselves and their Heirs, and those that claim by, from, or under them, or the said Rees Hinton. And that the said John Smith, at the Time of such his Surrender, and transferring his Estate as aforesaid, shall take his solemn Oath before Two Justices to be summoned as aforesaid, to the Effect following, (to wit,) p. 15

I John Smith do solemnly swear, That the Estate, Goods, Debts, and Effects which I have delivered, assigned, and made over to the Sheriff of Cæcil County, and in Trust, for the Use of my Creditors,

Session is the whole Estate Real and Personal of my own, in Possession, or
 Laws that I have any Title to in the World: And that I have not any
 Estate, Goods, or Effects of any kind whatsoever left, either in
 Possession, Reversion, or Remainder, (necessary wearing Apparel
 for my self, Wife, and Children, and Mathematical Books and In-
 struments excepted :) And that I have not directly or indirectly sold,
 leased, or otherwise conveyed, disposed of, or intrusted, all or any
 Part of my Estate, thereby to secure the same, to receive or expect
 any Profit or Advantage thereof. So help me God.

And Also, That it shall and may be lawful for the Two Justices
 aforesaid; and they are hereby required, on Application to them made
 by any the Creditors of the said John Smith, or of their own mere
 Motion, to summon, or call before them, Jane the Wife of the said
 John Smith, or any Person whatsoever, by them, or the Creditors of
 p. 16 the said John Smith, suspected to conceal, or be privy to the Con-
 cealment of any Part of his the said John Smith's Goods or Effects
 of any kind whatsoever; and them examine, upon Oath, (or Affirma-
 tion if a Quaker,) touching or concerning such Concealment, or
 Suspicion thereof, in the best Manner they can devise, in order to
 obtain a fair and full Surrender of the same. And in Case any
 Person shall refuse to make such Oath, (or Affirmation, if a Quaker)
 that then the said Justices shall, and may commit such Person to
 Prison, that shall refuse to make such Oath, until they shall comply
 therewith. It shall and may be lawful for the Sheriff aforesaid,
 after the said Twenty Days; and he is hereby required to discharge
 the Person of the said John Smith out of his Custody, and suffer him
 to go at Large: And the Person of the said John Smith so as afore-
 said discharged out of the Custody of the Sheriff, and suffered to
 go at Large, shall never more be liable to be taken in Execution, for
 or upon the Account of any Debts, Dues or Demands of what Nature
 soever, that, at the Time of making this Act, were due from the said
 John Smith, to any of his Creditors.

Provided Always, and be it Enacted, by the Authority aforesaid,
 That notwithstanding the Discharge of the Person of the aforesaid
 John Smith, upon taking the Oath aforesaid, all and every Judgement
 now had and taken, or that shall hereafter be had and taken against
 the aforesaid John Smith, by any of his Creditors, or any Debt or
 Debts now owing and due from him to any of his Creditors, shall be
 and stand good and effectual in Law, to all Intents and Purposes,
 against the Lands, Tenements, Hereditaments, Goods, and Chattles,
 that the said John Smith so discharged as aforesaid, shall hereafter
 acquire and come to the Possession of in his own Right only:
 And it shall and may be lawful to and for the Creditors of the said
 John Smith so discharged as aforesaid, their Executors, Adminis-
 trators, or Assigns, to take out any new Execution against the Lands,
 Tenements, Hereditaments, Goods, and Chattles of the aforesaid

John Smith, (the wearing Apparel for himself, Wife and Children, Session Bedding for himself and Family, with necessary working Tools for Laws their Occupation, Trade, and what may be necessary for their Subsistence, not exceeding the Value of Ten Pounds Current Money only excepted,) for the Satisfaction of his or their said Debts, in such Sort, Manner, and Form, as he or they might have done, if the Person of the said John Smith so discharged as aforesaid, had never been taken in Execution. Any Act, Statute, or Custom to the contrary, notwithstanding.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in Case, the said Sheriff shall be sued for any Matter or Thing required of him to be done by this Act, that then the said Sheriff may enter a common Appearance without Special Bail, to any such Action or Actions as shall be brought against him, and plead the General Issue, and give this Act, or the Exemplification thereof, with the special Matter thereon arising in Evidence. And that if the Plaintiff or Plaintiffs commencing or bringing such Action or Actions as aforesaid, shall be Nonsuit, the Defendant or Defendants shall recover against him or them double Costs of Suit. Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And Be It Further Enacted, by the Authority, Advice, and Con- p. 17 sent aforesaid, That the Sheriff aforesaid, shall, after such Delivery up and Surrender as aforesaid, give publick Notice at the Churches, Court-Houses, and Mills within the said County, of some precise Time, by him the said Sheriff, and the said Two Justices, to be appointed for the Distribution of the Effects of the said John Smith, no less than Twenty Days after the making of the said Surrender; and shall then and there, in the Presence of Two Justices as aforesaid, and by their Advice and Directions, make Distribution of the Estate of the said John Smith so as aforesaid to be surrendered, delivered up, or transferred, amongst such of his Creditors only, as shall then, by themselves, or their Attorney or Attornies, think fit to be present at such Distribution, by an equal and proportionable Distribution thereof to every such Creditor, with Respect had, and in Proportion to the Largeness of his or her Debt, save that such Fees as the said Smith owes to the Sheriff, in whose Custody he is; and such Debts of the said John Smith, as his Securities upon his Sheriff's Bonds stand chargeable for, be first paid out of such Effects so as aforesaid to be surrendered and assigned; and the Residue, if any, to be distributed as aforesaid. The Proceedings of the said Justices and Sheriff, in that Behalf, to be certified to the County-Court aforesaid, and there lodged, for the Perusal of any of the Creditors of the Debtor aforesaid, that shall require the same; and without any Fee to be paid thereon, or for such Lodging thereof.

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Saving the Right of His most Sacred Majesty, His Heirs and Successors; the Right Honourable the Lord Proprietary, his Heirs and Successors; and all Bodies Politick and Corporate; and all others not mentioned in this Act, their several and respective Rights.

Provided Nevertheless, That in case the said John Smith shall, at any Time after the making such Oath as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-compliance with the Tenour of such Oath, that then the said John Smith shall, upon such Conviction, be adjudged to stand Two Hours in the Pillory, and have his Left Ear cut off; and shall be wholly deprived of all and singular the Benefits designed him by this Law; and shall be thenceforth liable to be prosecuted for any Debts or Damages whatsoever, in the same Manner, as if this Act had never been made. Any Thing herein contained to the contrary, notwithstanding.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in Case the said John Smith shall claim any Benefit by this Act, all Deeds of Trust, or Bequests in Trust formerly made by the said John Smith, or his Father in Law, Rees Hinton, to the Use of the said John Smith only, shall be Void and of no Effect. Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

Provided Always, and be it Enacted, That no other Person shall be discharged by Virtue of this Act, from any Judgment had and taken against the said John Smith, or any Decree obtained against him, or from any Debt, Damage, Duty, or Cost, due or owing from the said John Smith; but that every other Person, except the said John Smith, shall be still chargeable, as if this Act had never been made. Any Thing in this Act to the contrary, notwithstanding.

Chap. IV An Act for the Relief of James Peerman, a Prisoner in Anne-
p. 18 Arundel County Goal.

Whereas, James Peerman, a Prisoner in the Goal of Anne-Arundel County, by his humble Petition to this General Assembly, sets forth, That he is, and for above a Year last past, hath been detained in Prison in the Goal aforesaid, for sundry Debts due to several Persons; and that he has not wherewithal to satisfy the said Debts, or any of them in this Province, but hath an Estate sufficient to do the same in Great-Britain; but cannot get it remitted to him, 'till a Chancery Suit there depending, is ended: And therefore humbly prays, an Act of Assembly may pass for his Enlargement, on his giving Security not to depart this Province in Three Years, and to return to Prison in the Goal aforesaid, at the Expiration of the said Term, if, within the same, he shall not pay and satisfy all the Debts aforesaid; there

to remain in the same State, as if this Act had never been made. And Session Laws forasmuch, as the Facts alledged, are made appear to be true,

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That within Two Days after the said James Peerman shall deliver to the said Sheriff of Anne-Arundel County, a Certificate under the Hands and Seals of John Beale and Richard Wharfield, of Anne-Arundel County, Gentlemen, signifying, that the said James Peerman hath to them given Bond, with sufficient Sureties, in the Sum of Five Hundred Pounds Sterling, not to depart this Province within Three Years from the End of this Session of Assembly; and to surrender himself as a Prisoner to the Sheriff of Anne-Arundel County, for the Time being, at the Expiration of the said Term of Three Years, if he shall live so long, and not, within that Time, satisfy and pay to his several Creditors, the several Sums of Money and Tobacco he now is indebted to them. The said Sheriff of Anne-Arundel County shall discharge the said James Peerman out of his Prison and Custody; and the said James, for the Term aforesaid, shall be free from Arrest upon Account of any of his Debts already contracted: And if any Action shall be brought against the said Sheriff for so doing, he may plead the General Issue thereto, and give this Act and the Matter therein contained, in Evidence. Any Law, Statute, Usage, or Custom to the contrary thereof, in any-wise, notwithstanding.

And Be It Further Enacted, That if the said James Peerman shall not, within Three Years after the End of this present Session of Assembly, satisfy his several Creditors aforesaid, their Debts aforesaid, and all Costs that shall accrue thereon; and shall, at the Expiration of the said Term, tender his Body to the then Sheriff of Anne-Arundel County, in Execution for the Debts aforesaid, or such of them as shall remain unsatisfied, the said Sheriff shall, and is hereby required to receive the said James Peerman into his Custody; and the said James Peerman shall remain in Prison, in the same State, to all Intents and Purposes, as if this Act had never been made, nor the said James p. 19 enlarged. Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the aforesaid John Beale and Richard Wharfield shall, and they are hereby required and impowered to take the Bond, if tendered to them with such Securities as they shall approve of, by this Act, for the aforesaid James Peerman, required to be given, payable to the Right Honourable the Lord Proprietary; and to return the same, with this Indorsement, viz. For the Benefit of the Creditors of James Peerman, into the Secretary's Office of this Province, to be lodged; and that the said Bond

Session shall and may be prosecuted in the same Manner, as Sheriffs
 Laws Bonds are.

Chap. XVIII An Act for the Relief of Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, and James Mackintosh, languishing Prisoners in Anne-Arundel County Goal; Thomas Palmer, a languishing Prisoner in the Goal of the City of Annapolis; William Gray, Thomas Davis, John Smith, and Anthony Oneallis, languishing Prisoners in Prince George's County Goal; and John Libby, and Alice Macklin, languishing Prisoners in Talbot County Goal.

Whereas, the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, by their humble Petition to this present General Assembly, have severally set forth, That they have continued Prisoners for Debt, in the Custody of the Sheriffs of the several Counties and City aforesaid, viz. the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, and James Mackintosh, under the Custody of the Sheriff of Anne-Arundel County; Thomas Palmer, under the Custody of the Sheriff of the City of Annapolis; William Gray, Thomas Davis, John Smith, and Anthony Oneallis, under the Custody of the Sheriff of Prince George's County; John Libby, and Alice Macklin, under the Custody of the Sheriff of Talbot County, for a considerable Time past; and still continue in the like deplorable Circumstances, not being able to redeem their Bodies, with all the Estate or Interest they have in the World, which they would readily surrender up and part with to their several and respective Creditors, if they would accept of the same, and grant the said Petitioners their Liberty; which seems so unlikely for them to obtain, that (unless relieved by a particular Act to be passed in their Favour; which, by their said Petitions, they have humbly prayed,) they must inevitably continue Prisoners for Life, and thereby their Families utterly ruined: And for that, the Truth of the said Petitioners Allegations is made appear to this General Assembly, by sufficient Testimony: And that the said Petitioners and their Family are fit Objects of Charity: And that their lying in Goal can be no Benefit to their Creditors, it is humbly
 p. 20 prayed, that the said Petitioners may be relieved according to their Prayer; and that it may be Enacted:

And Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all, or any of the Creditor or Creditors of the said Thomas Worsley, Benjamin Freeman, John Vines, John

Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or the Creditor or Creditors of any or either of them, or the Attorney or Attornies of such Creditor or Creditors aforesaid within this Province, shall, within Twenty Days after the End of this Session of Assembly, go to the Sheriffs of the the aforesaid Counties of Anne-Arundel, Prince George's, Talbot, and the Sheriff of the City of Annapolis, and give good Security to pay the Imprisonment Fees of Ten Pounds of Tobacco per Day, that shall or may become due from the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, after the End of the said Twenty Days; and also to find the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any, or either of them, sufficient Meat, Drink, and Cloathing, during their future Imprisonment, in Case they the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, shall deliver up and surrender, or cause to be delivered up and surrendered to the Sheriffs of the Counties and City aforesaid, in the Presence of Two Justices of the Peace in each of the said Counties, whom the said Sheriffs are hereby required to summon, on the Request of the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any one of them, at the Dwelling Plantation or Plantations, or Place or Places, where, before the Imprisonment of the said several Persons was the Place, or were the Places of Residence of the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, at some convenient Time after the Receipt of this Act, not exceeding Ten Days, all their Real and Personal Estate, either in Possession, Reversion, or Remainder, or in Trust, or in, or unto which, they have, or any, or either of them hath any Claim or Interest whatsoever. And do likewise, before the Day before mentioned, convey, assign, transfer, and make over unto the said Sheriffs of Anne-Arundel, Prince George's, and Talbot Counties, and the

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Session City of Annapolis, for the Use of their said Creditors, all such their
 Laws Estate, Interest, or claim as aforesaid, after such Manner, as by the
 said Sheriffs, and the major Part of the said Creditors, or of such of
 p. 21 them as shall think fit to direct therein, or their Council learned in
 the Law, shall reasonably devise or require, at the Costs and Charges
 of such Persons as shall claim the Benefit thereof, so as the said
 Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius,
 Thomas Howard, Thomas Jacks, John Nicholson, James Mackin-
 tosh, Thomas Palmer, William Gray, Thomas Davis, John Smith,
 Anthony Oneallis, John Libby, and Alice Macklin, be not burthened
 with any Waranties thereby, other than from themselves, or those
 that claim by, from, or under them; and that the said Thomas Wors-
 ley, Benjamin Freeman, John Vines, John Cornelius, Thomas
 Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas
 Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis,
 John Libby, and Alice Macklin, and either of them, at the Time of
 such their Surrender, and transferring their Estate as aforesaid,
 shall take his or their solemn Oath, or Oaths, (or Affirmation, if a
 Quaker) before the said Two Justices of the respective Counties
 aforesaid, to be summoned as aforesaid, to the Effect following, viz.

I A. B. do affirm or solemnly swear, That the Goods, Debts, and
 Effects which I have delivered, assigned, and made over to the
 Sheriff of . . . County, and in Trust, for the Use of my Creditors,
 is the whole Estate both Real and Personal of my own, in Pos-
 session, or have any Title to in the World: And that I have not
 any Estate, Goods, or Effects of any kind whatsoever left, either
 in Possession, Reversion, or Remainder, (the necessary wearing
 Apparel for my self, Wife, and Children, excepted:) And that I
 have not directly or indirectly sold, leased, or otherwise conveyed,
 disposed of or intrusted, all or any Part of my Estate, thereby to
 secure the same, to receive or expect any Profit or Advantage
 thereof. So help me God.

It shall and may be lawful for the Sheriffs of the respective
 Counties aforesaid, after the End of the said Twenty Days; and the
 said Sheriffs are hereby required to discharge the said Thomas
 Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas
 Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas
 Palmer, William Gray, Thomas Davis, John Smith, Anthony
 Oneallis, John Libby, and Alice Macklin, out of their Custody, and
 to suffer them to go at Large.

And Be It Further Enacted, by the Authority aforesaid, That the
 said Thomas Worsley, Benjamin Freeman, John Vines, John Cor-
 nelius, Thomas Howard, Thomas Jacks, John Nicholson, James
 Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John
 Smith, Anthony Oneallis, John Libby, and Alice Macklin, nor any of
 them, shall hereafter be imprisoned, by Reason of any Judgment or

Decree obtained for the Payment of any Debt, Damage, or Cost; or for, or by Reason of any Debt, Damage, or Cost contracted, occurred, ^{Session Laws} occasioned, owing, or growing due before the End of this Session of Assembly; but that upon every Arrest on any such Judgment or Decree, or for any such Debt, Damage, or Cost, it shall and may be lawful for the Judges or Justices of the Court, where any Process shall issue, upon shewing a Duplicate of the Discharge of the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any of them that shall be so arrested, to release and discharge out of Custody, the ^{p. 22} said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any of them that shall be so arrested :

Provided, That the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby and Alice Macklin, or any of them, that shall be so arrested, shall and do enter his or her Appearance, or procure some Attorney to appear to every such Action, and plead thereto.

Provided, That the Discharge of the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any of them, shall not acquit any other Person from such Debt, Damage, or Cost, or any Part thereof : But that all such Persons shall be answerable for the same, in such Manner as they were before the passing of this Act.

Provided Always, and be it Enacted, by the Authority aforesaid, That notwithstanding the Discharge of the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, all and every Debt or Debts due or owing from them, and every of them, and all and every Judgment had and taken, or Decree obtained against them, or any of them, shall stand and be good and effectual in the Law, to all Intents and Purposes, against the Lands and Tenements, Hereditaments, Goods, and Chattles of them, and every of them, which they, or any of them, or any other Person in Trust, or to the Use of them, or any of them, at the Time of the Discharge of the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas

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Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any of them, or which they, or any of them shall, at any Time hereafter, shall or may be any way seized or possessed of, or interested in, to their own Use, or to the Use of any of them, or in their own proper Right, or in the proper Right of any of them, either in Law or Equity, except the wearing Apparel, and Bedding, or working Tools of them, or any of them, not exceeding the Value of Five Pounds Current Money. And it shall and may be lawful for any of their Creditors, their Executors, Administrators, or Assigns, to take out a new Execution or new Executions against the Lands, Tenements, Hereditaments, Goods, or Chattles of the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis. John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any of them, (except as before excepted,) for the Satisfaction of his, her, or their Debt or Debts, in such Sort, Manner, and Form, as he, she, or they might have done, if the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius; Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any of them had never been taken in Execution, or discharged by Virtue of this Act.

And Be it Enacted, by the Authority aforesaid, That if any Action of Escape be brought against any Sheriff, or any Suit or Action be brought against any Justice or Justices, for performing their Office, in Pursuance of this Act, he or they may plead the General Issue, and give this Act, and the special Matter in Evidence. If the Plaintiff be Nonsuit, or discontinue his or her Action, or Verdict passed against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover double Cost.

Provided Also, That nothing in this Act shall extend, or be construed to extend, to bar any Creditor or Creditors of the before-mentioned Prisoners, or any of them, from having or maintaining an Action of Escape against any Sheriff, who hath permitted any Escape, before the making of this Act.

Provided Nevertheless, That in Case the said Thomas Worsley, Benjamin Freeman, John Vines, John Cornelius, Thomas Howard, Thomas Jacks, John Nicholson, James Mackintosh, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or any of them, shall, at any Time after the making such their Oath or Oaths, or taking such Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-compliance with the Tenour of such Oath or Affirmation as aforesaid, that then the said Thomas Worsley,

Benjamin Freeman, John Vines, John Cornelius, Thomas Palmer, William Gray, Thomas Davis, John Smith, Anthony Oneallis, John Libby, and Alice Macklin, or such of them as shall be convicted as aforesaid, shall, upon such Conviction, be adjudged to stand Two Hours in the Pillory, and have his or her Left Ear cut off; and shall be wholly deprived of any Benefit designed him, them, or any of them, by this Law; and shall be from thence-forth liable to be prosecuted for any Debts or Demands whatsoever, in the same Manner, as if this Act had never been made. Any Thing therein contained to the contrary, notwithstanding.

Provided always, That the several Sheriffs, in whose Custody any of the Prisoners aforesaid are, shall be first satisfied their Imprisonment Fees, out of the respective Effects of the several Prisoners before named, (save such Effects as before are excepted,) for the Use of the said Prisoner or Prisoners, before any other Creditor or Creditors shall have any Share of the Prisoners Effects. And if the said Prisoners Effects shall not be sufficient to pay and Satisfy to the Sheriff his Imprisonment Fees, that then each respective Prisoner shall, after his or her Releasement out of Prison, be liable to pay and satisfy unto the Sheriff, the Residue of his Imprisonment Fees; provided, that the said Sheriff shall not prosecute or imprison such Prisoner within Two Years after his or her Releasement. Any Thing in this Act to the contrary, notwithstanding.

Saving to His most Sacred Majesty, His Heirs and Successors; p. 24 the Right Honourable the Lord Proprietary, his Heirs and Successors; and all Bodies Politick and Corporate; and all others not mentioned in this Act, their several and respective Rights.

An Act altering the Bounds of Two Acres of Land heretofore granted to Great Choptank Parish, on which the Chapel in Vienna now stands Chap. II
Amends
1727, ch. 7

Whereas, by an Act of Assembly, made at a Session of Assembly, begun and held at the City of Annapolis, the Tenth Day of October, Seventeen Hundred and Twenty seven, Intituled, An Act, declaring the Bounds of Two Acres of Land heretofore granted to Great Choptank Parish, on which, the Chapel in Vienna now stands, the Bounds of the said Two Acres, as by the said recited Act [were] ascertained.

But Forasmuch, as it is made appear to this General Assembly, That the Bounds of the said Two Acres of Land, as laid down and mentioned in the aforesaid recited Act, is very much to the Prejudice of William Ennalls, of Dorchester County, Gent. being not capable to travel to and from his House, when the Parish aforesaid shall think proper to inclose the said Two Acres of Ground; and for that, the Vestry of the said Parish have signified their Consent to this

Session General Assembly, that the Bounds of the said Two Acres of Land
 Laws should be altered. Wherefore it is prayed, that it may be Enacted:

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Bounds of the said Two Acres of Land mentioned in the aforesaid recited Act, shall be, and are hereby deemed and declared for the future, to be as follows; (that is to say,) beginning at the North-East Corner of the Chapel aforesaid, and running East, to William Ennall's Ditch; then South, Thirty Eight Degrees, West, Twelve Perches; then West, Thirty Eight Degrees, North, Twenty Perches; thence North, Thirty Eight Degrees, East, Sixteen Perches; then East, Thirty Eight Degrees, South, Twenty Perches, to the said Ditch; then bounding therewith, till it intersects the aforesaid East Line drawn from the said Chapel, containing Two Acres of Land. And that the same Bounds and Lines circumscribing the same, should be settled and perpetuated,

Be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Vestry of the said Parish are hereby required and enjoined, within Six Months from the End of this Session of Assembly, to run the said above-mentioned Lines, and place one Cedar Post at each Corner of the same; and enter the said Lines and Plat in their Register Book of the said Parish; and when so compleated, the said Bounds shall be and remain for the future the undoubted Bounds of the said Two Acres of Land for Ever. The aforesaid recited Act, or any other Act to the contrary thereof, notwithstanding.

- p. 25 And Be It Further Enacted, by the Authority aforesaid, by and with the advice and Consent aforesaid, That if the Lines be not run, the Posts set up, and the Lines and Plat entered upon Record, as this Act requires, every Vestry-man in the Parish aforesaid, shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco to such Person as will sue for the same. And that the said Fine may be recovered in any Court of Record within this Province, by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

Chap. V A Supplementary Act to the Act,¹ Intituled, An Act for the laying
^{1 1728,}
 ch. XVI out of Land, and erecting a Town in St. Mary's County, at a Place formerly called Seymour Town.

Forasmuch, as it is represented to this General Assembly, by Thomas Spalding, Jun. the Person, to whom the Land, where the said Town is laid out, belongs, That he is, by the said Act, prevented the Liberty of making use of any of the said Land, so by Virtue thereof laid out, for the Space of Seven Years, altho' the same Lots be not taken up; which is thought, by this present General Assembly, to be a very great Hardship:

Be It Therefore Enacted, by the Right Honourable the Lord ^{Session} Proprietary, by and with the Advice and Consent of his Lordship's ^{Laws} Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful to and for the said Thomas Spalding, to use and occupy the Lots, by Virtue of the said Act, laid out for a Town, until the said Lots, or any of them, shall be taken up, according to the Direction of the said Act.

Provided the said Thomas Spalding shall not take up, or by any Means remove the Posts, whereby the said Bounds of the said Lots are ascertained.

And Whereas, it is represented and made appear to this present General Assembly, That part of One Acre of Land, whereon the Court-house of St. Mary's County now stands, was heretofore given by Philip Lines, Esq; deceased, to the Justices of the said County, for the Purpose aforesaid; but that thro' the Negligence of the then Clerk, the same doth not appear upon Record, altho' Three of the Bound Posts thereof are now standing, and the Place where the other stood well known:

Be It Therefore Enacted, That the Land aforesaid, contained within the said Bounds, and on Part whereof the said Court-house stands, be and is hereby vested in the Justices of the said County for the Time being, for Ever, to and for the Use of the said County for Ever.

And Be It Further Enacted, That the Surveyor of St. Mary's County, who, in Pursuance of the Act aforesaid, surveyed the Land so laid out for a Town, and now called Leonard Town, shall be ^{p. 26} obliged, within Three Months after the End of this present Session of Assembly, to make a fair Plat of the said Leonard Town; which Plat, the Commissioners nominated in the said Act, or the major Part of them, are hereby enjoined to subscribe, and return the same to the Clerk of the said County, who is hereby required to enter the same among the Land Records of the said County; for which, he is to be allowed in the County Levy, One Hundred Pounds of Tobacco: And in Default of such Surveyors making and returning such Plat within the Time aforesaid, he shall forfeit Five Hundred Pounds of Tobacco, to be recovered in the Court of the said County; and applied to the Use of that County, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law to be allowed. And whereas, in the recited Act, it is not mentioned what Estate the Takers up of the said Lots shall have in the same:

Be It Therefore Enacted, That all Persons, who already have taken up and paid for any of the Lots so laid out in said Leonard Town, or that shall hereafter take up and pay for any of said Lots, and in all Things comply with the Directions of the Act herein before-mentioned, shall have and enjoy an Estate in Fee Simple, in the same Lots so by them taken up, paid for, and built on.

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Laws And Be It Further Enacted, That every Person, who already hath, or hereafter shall take up, pay for, and build on any of the Lots, laid out by Virtue of the Act of Assembly aforesaid, their Heirs and Assigns for Ever, shall, after the Agreement now subsisting between the Right Honourable the Lord Proprietary, and the People of this Province, for the Payment of his said Lordships Quit-Rents and Alienation Fines, shall determine or cease, shall be chargeable with, and liable to the Payment of One Penny Current Money for each Lot so taken up, paid for, and built on, to the Right Honourable the Lord Proprietary, and his Heirs, for Ever. And that the Clerk of St. Mary's County, yearly transmit to his Lordship's Agent for the Time being, an Account of all the Lots so taken up, paid for, and built on, according to the Directions of the said Act.

Chap. III An Act to enable the High Court of Appeals to continue an Appeal therein, depending between Edward Fotterell, and Anne his Wife, late Anne Lloyd, Appellants; and David Robinson, and Judith his Wife, John Robinson, and Grace his Wife, and Rebecca Tibbles, Defendants.

Whereas, there is an Appeal depending in the High Court of Appeals, between Edward Fotterell, and Anne his Wife, late Anne Lloyd, Appellants; and David Robinson, and Judith his Wife, John Robinson, and Grace his Wife, and Rebecca Tibbles, Defendants; which, by the Laws of this Province, cannot continue longer than the Court now Sitting.

And Whereas, the Trial of the said Cause, at this Time, would be a great Obstruction to the Publick Affairs of the Province, the Members of the said Court being Members of the Upper House of Assembly, and some of the Lawyers employed therein, being Members of the Lower House. And that it is not reasonable, that the Concerns of the whole Province should be delayed for the Sake of dispatching one particular Cause:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for the High Court of Appeals; and the said Court is, by Virtue of this Act, impowered to continue the same Cause, to such other Time as to them shall seem meet. Any Law, Usage, or Custom to the contrary, notwithstanding.

Chap. VI An Act for the laying out of Land, and erecting a Town at a Place called Broxen's Point, in Cæcil County.

Whereas, the Inhabitants of Cæcil County, by their humble Petition to the Legislature of this Province, have set forth, That about Midway of Bohemia River, on the South Side thereof, at a Place

commonly called Broxen's Point, in the County aforesaid, is very convenient for a Town, and commodious for Trade. And for that it appears to this General Assembly, that the erecting a Town at the Place aforesaid, will be advantageous as well to the Inhabitants of the said County, as others trading or resorting thereto. It is therefore prayed that it may be Enacted:

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And Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Col. Benjamin Pearce, Col. Ephraim-Augustine Herman, Mr. Stephen Knight, Mr. Joshua George, Mr. Alphonso Cosden, Mr. Nicholas Ridgely, and Capt. Thomas Colvil, or the major Part of them, are hereby appointed Commissioners; and by Virtue of this Act authorized and impowered to agree for, and purchase Twenty Acres of Land at the Place aforesaid, and cause the same to be surveyed and laid out in the most convenient Manner.

And Be It Further Enacted, That the Commissioners aforesaid, or the major Part of them, are hereby impowered to meet together, at the Place aforesaid, some Time before the First Day of November next. And the Commissioners aforesaid shall give Notice to the Person or Persons interested in the said Lands, of such their Meeting, some convenient Time before, that such Person or Persons may (if he, she, or they think fit) attend, in order to treat with the Commissioners aforesaid, or the major Part of them, concerning the Purchase of the said Twenty Acres of Land. And in case, the Owner or Owners of the said Land, shall neglect to appear, or wilfully refuse to make Sale of the same at a reasonable Price, or thro' Nonage, Coverture, non Sanæ Memorix, or any other Disability, or Impediment whatsoever, be, or are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall, and are (by Virtue of this Act) impowered and required to issue their Warrant, under their Hands and Seals, to the Sheriff of the said County, requiring him to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Place, by them to be appointed; which Jury, upon their Oath, by the said Commissioners, or the major Part of them, to be administered, shall enquire, assess, and return what Damages and Recompence they shall think fit, to be awarded to the Owner or Owners of the said Twenty Acres of Land; and all Persons therein concerned, according to their several and respective Interests. p. 28

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, on purchasing the Land afore-

Session Laws said, from the Owner or Owners thereof; or in Case of Neglect, Refusal, or Disability of such Owner or Owners as aforesaid, on making Inquisition by a Jury, as is before directed, shall cause the Surveyor of the County aforesaid for the Time being, to lay out the aforesaid Twenty Acres of Land into Twenty equal Lots, allowing convenient Streets, Lanes, and Alleys to be first surveyed and staked out; and the Lots aforesaid, shall be likewise distinguished by some Posts or Stakes towards the Streets, Lanes, and Alleys, marked N^o 1, 2, 3, and so on, to Twenty; out of which Lots, the Owner of the said Land shall have Liberty to chuse any One of said Lots; provided he make such Choice, within Fifteen Days after such Town shall be so laid out: And after such Choice, the remaining Lots may be taken up by any Person or Persons inhabiting within the County aforesaid.

Provided, such Person or Person[s] shall not be allowed to take up more than One Lot, during the first Four Months after laying out the same. And in Case the Inhabitants aforesaid, shall not take up the said Lots within the Time aforesaid, that then any Person or Persons whatsoever shall and may have free Liberty to take up the same.

And Be It Further Enacted, that the Damage and Recompence which the Jurors aforesaid shall assess, or the Sum which the Commissioners shall agree for, shall be paid to the Owner or Owners of the said Land, by such Person or Persons as shall take up the said Lots, proportionably to his or their Lot or Lots.

And Be It Further Enacted, That every Person who shall take any of the Lots aforesaid, shall be obliged to build thereon, within Eighteen Months from the Time of such taking up, a House that shall cover Four Hundred square Feet, exclusive of Sheds. And if a Dwelling House, no Chimney shall be made, but what shall be of Brick or Stone. And to the End, that the Houses aforesaid may be the more regularly placed,

Be It Enacted, That all the Houses to be erected on any the said Lots, shall be built on the Edge of some Street, Lane, or Alley, and front the same.

p. 29 And Be It Further Enacted, by the Authority aforesaid, That the Commissioners aforesaid, or the major Part of them, shall return an Account of their Proceedings, to the Clerk of the County, within Ten Days after the said Town shall be so laid out; who is hereby obliged to enter the same in the Land Records of the said County, and file and keep the original Report in his Office: And that the Surveyor aforesaid, shall likewise return to the said Clerk, a fair Plat and Certificate of the said Town, within the Time aforesaid, to be entered and filed as aforesaid: And that any Person or Persons, who shall think fit to take up any of the Lots aforesaid, shall apply to the said Clerk, who is hereby obliged to make an Entry in the said

Records, of the Name or Names of the Person or Persons so applying, with the Day of the Month, Date of the Year, and Number of the Lot or Lots by him, her, or them so taken up. And the Person or Persons, who shall cause such Entry to be made, and shall build on such Lot or Lots, according to the Directions, and within the Time limited by this Act, shall be vested with a good, sure, and indefeizable Estate of Inheritance in Fee Simple, of, in, and to the Lot or Lots by him, her, or them so entered and built on as aforesaid; any Law, Statute, Usage, or Custom to the contrary thereof, in any-wise, notwithstanding.

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And Be It Further Enacted, That any Person or Persons, who shall take up any the Lot or Lots aforesaid, and shall neglect or refuse to build thereon, according to the Directions, and within the Time limited by this Act; such Person or Persons so refusing or neglecting, shall entirely lose all his, her, or their Right, Title, Estate, Claim, and Interest of, in, or to such Lot or Lots so taken up, and not built on as aforesaid. And it shall and may be lawful for any Person or Persons whatsoever, to take up such Lot or Lots, he, she, or they making such Entry as is before by this Act directed; and paying such Sum or Sums as shall be first assessed upon such Lot or Lots, to the Commissioners aforesaid, or such Person or Persons, as the said Commissioners, or the major Part of them, shall think fit to appoint to receive the same, for the Publick Use and Benefit of the said Town: And such second Taker-up shall, by Virtue of such Entry and Payment, and building on such Lot or Lots, according to the Directions of this Act, within Eighteen Months from the Time of such second Entry, be vested with the same Estate, as in, and by this Act is vested in, and settled on the first Taker-up. And in Case any the Lots aforesaid shall remain untaken up, at the End of Seven Years, from the laying out such said Town, that then, and in such Case, the Owner, or Person interested at first in said Land, after such Time expired shall be possessed and interested in said Lot or Lots, as in her or their first and former Estate; any Thing in this Act to the contrary, notwithstanding.

And Be It Enacted, That the Surveyor of the said County shall be allowed, for laying out and surveying said Town, and returning Plat and Certificate thereof to the Clerk, and paid in the County Levy, the Sum of One Thousand Pounds of Tobacco: And that the Clerk be likewise paid by the said County, for entring and filing such Plat, Certificate, and Report of the Commissioners aforesaid, such reasonable Fee or Reward as the Commissioners aforesaid, or the major Part of them, shall think fit: And for every Entry to be made by the Takers-up, for each Lot, the Sum of Twelve Pounds of Tobacco.

And Be It Further Enacted, That the said Town, when laid out as before directed, shall thence-forward be called and distinguished by

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Session the Name of Cæcil Town, and not by any other Name or Distinction
Laws whatsoever.

Saving to His Most Sacred Majesty, his Heirs and Successors; the Right Honourable the Lord Proprietary, his Heirs and Successors; and to all Bodies Politick and Corporate; and all Persons not mentioned in this Act, their several and respective Rights; any Thing in this Act to the contrary, notwithstanding.

And Be It Further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots to be taken up in the aforesaid Town, shall pay yearly unto the Agent of the Right Honourable the Lord Proprietary, for the Time being, for the Use of the said Lord Proprietary, One Penny Current Money of Maryland per Annum: And that the Clerk of the said Commissioners do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

Chap. IX An Act for the building a Church in Baltimore County, and in a Town called Baltimore Town, in St. Paul's Parish.

Whereas, by an Act of Assembly, Intituled, An Act empowering the Vestrymen and Churchwardens of St. Paul's Parish, in Baltimore County, to purchase one or more Acres of Land in the said Parish, and to build a Parish Church thereon; as also for raising a Fund to compleat and finish the same, amongst other Things, it was Enacted, That the Vestrymen and Churchwardens should be authorized and impowered to agree for, and purchase one or more Acres of Land, in the most convenient Part of the said Parish:

And Whereas, it is made appear to this General Assembly, That the said Vestrymen and Churchwardens did purchase some Land, in order to build a Church thereon; but that the same is not begun; which being very inconvenient, and the Inhabitants of Baltimore County, upon Application to the General Assembly, having had a Town laid out in the same Parish, called Baltimore Town, which is only Two Miles Distance from the Land purchased as aforesaid, they the Parishioners of the same Parish, now praying the Liberty of building their Church in the same Town; as also that the Tobacco to have been raised, by Virtue of the former Act, may be only applied to the building of a Church in Baltimore Town:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestrymen and Churchwardens of the same Parish, or the major Part of them, be, and are hereby
p. 31 authorized and impowered to agree for, and purchase One Lot of Ground in the same Town, and cause a Church to be built thereon, for the Use of the said Parishioners; which shall be the Parish Church of the said Parish, and be called St. Paul's Church.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Tobacco to be raised by the aforesaid before recited Act, for building a Church, be applied to the building a Church in the Town aforesaid, and not elsewhere, notwithstanding the said Act, or any Thing done in Pursuance thereof; and that the Tobacco be applied for, and levied in Manner, as by the said Act, for the building a Church is directed; any Law to the contrary, notwithstanding.

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A Supplementary Act to the Act, Intituled, An Act for the Advancement of Justice.

Chap. X
Supple-
ments 1723,
ch. 12

Whereas, by the Act, Intituled, An Act for the Advancement of Justice, made at a General Assembly, begun and held at Annapolis, the Twenty Second Day of September, Anno Domini Seventeen Hundred and Twenty Three, and since revived, it is Enacted, That in all Actions that should thereafter be commenced in the Provincial Court, for the Recovery of any certain Sum of Money, or Quantity of Tobacco, within the Jurisdiction of that Court, where the Plaintiff should be desirous of a speedy Recovery; that if the Plaintiff should send a Copy of the Declaration in the Case, with the Writ, and cause the same to be served on, or delivered to the Defendant, or left at his or her Place of Abode, Twenty Days, at least, before the Appearance Court, it should and might be lawful for the Justices of the said Court, and they were, by the said recited Act, required to proceed to Trial, the same Court; and if the Defendant should refuse or neglect to answer, or plead, to render Judgment for the Plaintiff, with Costs of Suit; unless sufficient Cause should be shewn by the Defendant, why there should be an Imparlance, as by the said recited Act, Relation being thereunto had, may appear.

And to the End, That no Person who shall not be found and served with the usual Process, and against whom any Judgment shall be rendered henceforth, by Virtue of the said Act, where the Debt or Damage sued for, or any Part thereof, is now, or at any Time before the Commencement of such Suit, shall be paid, shall be injured or surprized by such Judgment:

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That when, and as often as any Sum of Money, Quantity of Tobacco, or other Goods shall be taken in Execution, or any Land shall be extended, by Virtue of any Judgment that shall be rendered against any Person, who shall not be arrested, or taken, upon, and by Virtue of the usual Process in the Case, the Person, to whose Use any Money, Tobacco, or other Effects shall be levied, or any Land extended, shall be obliged to give sufficient Security in the Provincial

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Session Laws Court, to restore such Money, Tobacco, Goods, or Lands to the Defendant or Defendants, at any Time within Two Years from the Return of any Execution executed, in Case such Defendant or Defendants shall make appear, within that Time, that he, she, or they had satisfied the Sum sued for, recovered, and executed. And in Case the Defendant or Defendants shall make appear, that any Part hath been satisfied as aforesaid, that then, and in such Case, the Court shall award Restitution to be made to such Defendant or Defendants, of so much as he, she, or they hath paid; and the Money, Tobacco, or other Goods levied, or Lands extended, exceeds the Debt, or Damages, and legal Cost of Suit; any Law, Usage, or Custom to the contrary, notwithstanding.

And Be It Further Enacted, That if any Person, who shall not be taken and arrested as aforesaid, and against whom any such Judgment shall be rendered as aforesaid, and whereof no Part shall be levied or extended, by Virtue of any Execution, shall, at any Time, within Two Years after the rendering such Judgment, make appear to the Provincial Court, that the Debt or Damage, for which such Judgment shall be rendered, hath been satisfied before the rendering thereof; that then, and in all such Cases, the Provincial Court shall and may vacate such Judgment; any Law, Usage, or Custom to the contrary notwithstanding.

And Be It Further Enacted, That where any Person or Persons, who shall not be arrested, or taken as aforesaid, and against whom such Judgment shall be rendered as aforesaid, and no Part of the Debt, Damage, or Cost recovered, shall be levied, or extended; if such Person or Persons shall, within the Time aforesaid, make appear the Provincial Court, that any Part of the Debt, or Damage recovered, was satisfied and paid before such Recovery, that then, and in all such Cases, the Provincial Court shall order a Rule to be made and entred, to stay Execution for such Part as shall be made appear to have been so satisfied and paid; any Law, Usage, or Custom to the contrary, notwithstanding.

This Act to continue so long as the said Act for the Advancement of Justice shall continue.

Chap. XV An Act, for laying out the Town a-new, commonly called Chester Town, in Kent County; and for ascertaining the Bounds thereof.

Whereas, formerly there was laid out in Kent County, on Chester River, a Town, commonly called Chester Town, or New Town, containing One Hundred Acres of Land; the Bounds whereof, are very uncertain, and the Improvement very much hindered, by Reason that all the Lots were not taken up and improved in Time.

p. 33 And Whereas, it is represented to this General Assembly, That the said Town is very commodious for Trade, and several People desirous

to settle in the same, could they but be well secured in their Lots; ^{Session} And there being no Provision made by any Act in Force, for the ^{Laws} taking up, and building on Lots in the same Place, within a certain Time:

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That James Harris, Esq; Mr. Philip Kennard, Mr. George Wilson, Capt. Ebenezer Blackistone, Mr. James Caulder, Mr. John Gresham, and Mr. William Frisby, or the major Part of them, be and are hereby appointed Commissioners; and are by Virtue of this Act, authorized and impowered to survey and lay out the One Hundred Acres of Land formerly laid out for a Town, on Chester River, in Kent County, by the Name of Chester Town, and commonly called New Town, as agreeable as conveniently may be to the original Plat and Survey thereof, when first laid out for a Town.

And Be It Further Enacted, That the same Commissioners, or the major Part of them, be, and are hereby impowered and required, at any Time, by them the said Commissioners, or the major Part of them to be appointed, before the First Day of November next ensuing this present Sessions of Assembly, to meet at the same Town, and call and take to their Assistance, the Surveyor of Kent County, or such other Person skilful in surveying, as the said Commissioners, or the major Part of them, shall think fit to chuse; and then and there carefully survey and lay out the same One Hundred Acres so directed to be laid out as aforesaid, into One Hundred convenient Lots, divided, marked, and numbered 1, 2, and so, to One Hundred, with as many and such Streets, Alleys, and Lanes, as to them shall seem meet.

And Be It Further Enacted, That the said Commissioners shall make and cause the same Survey to be made, as near as possibly they can, agreeable to the original Plat and Survey of the said Town, unless the Lines by the same original Survey, make any considerable Variation or Encroachment on the Lots therein already improved and built upon: And that in such Case, the same Commissioners shall direct and make the same Survey in such Manner, that the Owners and Possessors of such improved Lots, may not be damnified in such their Improvements; and shall set up Posts, Stakes, or such other Boundaries as to them shall seem meet, to settle and distinguish the same Survey for Ever: Always having Regard, as near as may be, to the aforesaid original Plat thereof, and the Lots already improved and built upon as aforesaid.

And Be It Further Enacted, That the same Land so surveyed and laid out, and distinguished, shall be, and is hereby made and erected into a Town, and shall be called by the Name of Chester Town.

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p. 34 And Be It Further Enacted, That the Owners and Possessors of any of the Lots formerly taken up in the said Town, not already built upon, shall and are hereby required to erect and build upon such Lot or Lots, within Eighteen Months after the Survey to be made as aforesaid, and a Record thereof made, and entered according to the Directions of this Act, one House that shall cover Four Hundred square Feet of Ground, besides Sheds. And if any such Owner or Owners of such Lots as aforesaid, neglect or refuse to build as aforesaid, then and in such Case, the Right, Title, and Property of such Owner or Owners to such Lot or Lots, at the Expiration of the said Eighteen Months, shall cease and determine, and the same Lot or Lots become the Right and Property of the Proprietor of the said Town Land, in as full and ample Manner, as if the same had never been sold or conveyed.

Provided, the Owner or Owners of such Lot or Lots be not under Age, beyond the Seas, or out of this Province, at the Time of such Survey, and Record, and Entry thereof as aforesaid; in either of which Cases, such Owner or Owners shall have the Liberty to improve and build on the said Lot or Lots as aforesaid, at any Time within Eighteen Months after such Owner or Owners arriving to his or their Age of Twenty One, or returning into this Province.

And Be It Enacted, That the said Commissioners, or the major Part of them, shall and are hereby required and impowered to nominate and appoint some sufficient and skilful Person to be their Clerk, who shall make a fair Record and Entry of all the Proceedings of the said Commissioners, in a sufficient Book to be provided for that Purpose; and to whom the Surveyor shall be obliged to deliver a fair Plat of the said Lots so to be surveyed as aforesaid; which Clerk, and his Successors, shall transmit to the Clerk of Kent County, the whole Proceedings of the said Commissioners, together with the said Plat, to be lodged amongst the County Records; which Proceedings, the Clerk of the County, is hereby required to take Charge of.

And Be It Further Enacted, That the said Commissioners shall and are hereby impowered and required to ascertain what Fee or Fees the Surveyor aforesaid shall have for his Trouble, in making the Survey aforesaid, and making and returning the Plats aforesaid; as also, what Fee or Fees the said Clerk shall have for entering the Proceedings of them the said Commissioners, and the several Services by this Act directed to be done, and transmit the same under their Hands, or the Hands of the major Part of them, to the Justices of Kent County Court; which Justices are hereby required and impowered to tax and assess the same in the County Levy, which shall be next laid after such Transmission. And that upon the Decease, or Resignation of such Clerk as aforesaid appointed, it shall and may be lawful for the said Commissioners, or the major Part of them, to

nominate and appoint a Clerk for the said Town; and so, as often Session
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as Need shall require. And to the End, that the said Town may not be hindered in its Improvement, either by a Refusal of the original Proprietor or Proprietors of the same One Hundred Acres, to sell any of the Lots therein to be laid out as aforesaid, or under an high and unreasonable Price, by which Means any Person may be prevented from purchasing the same, or by some Disability or Incapacity in such Proprietor or Proprietors to convey the same;

Be It Enacted, by the Authority, Advice, and Consent aforesaid, That it shall and may be lawful to and for the said Commissioners, or the major Part of them, to treat and agree with the Proprietor p. 35
of the said Land not already taken up, for the Price of the same, at any Time before the First Day of November next ensuing. And in Case they make an Agreement for the Price with the Proprietor or Proprietars, that then, when the Lots shall be laid out, they set a Price on each Lot not already taken up, or purchased, for which, the Taker-up shall pay: But in Case, they cannot agree for said Ground, that then they, or the major Part of them, are hereby authorized, impowered, and required, Ten Days, at the least, before the Day, on which a Survey as aforesaid is directed shall be made, to issue a Warrant, under the Hands and Seals of them, or the major Part of them, directed to the Sheriff of the said County; which said Sheriff is hereby authorized and required, upon receipt of such Warrant, to impanel and summon a Jury of Twelve substantial Freeholders, Inhabitants of the same County, to be and appear before the said Commissioners, or the major Part of them, at the same Town, on a certain Day, being such Day on which the aforesaid Survey shall be made; which Jurors, upon their Oath to them, by such Commissioners, or the major Part of them, to be administred, and who are hereby required and authorized to administer the same, shall enquire what Damages and Recompence ought to be awarded to the said original Proprietor or Proprietors of all such Lots as are not taken up, and possessed by any Person or Persons, other than such original Proprietor or Proprietors of the said One Hundred Acres. And the Payment of such Sum or Sums of Money, or Tobacco, as such Lot or Lots shall, by the said Jury, be adjudged worth to the Proprietor or Proprietors as aforesaid, or a Tender thereof, by such Person or Persons, who shall be willing and desirous to take up such Lot or Lots aforesaid; and Refusal by such Proprietor or Proprietors, and such Payment, or Tender, and Refusal, being duly proved, by the Oath of one or more lawful Witness or Witnesses, before Two Justices of the Peace for the said County, by the said Person or Persons intending to take up the same; and an Entry or Record thereof made by the Town Clerk aforesaid, and returned by him, to be lodged with the other Proceedings in the County Court Office, as aforesaid, shall give and make to such Person or Persons paying or tendering as aforesaid,

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Laws an absolute Estate in Fee Simple, in such Lot or Lots; such Person or Persons complying with the other Requisites in this Act mentioned; any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And Whereas, it is represented to this present General Assembly, That there is, by the original Survey of the said Town, a Quantity of Land left out, between the Town Line that runs along the River Side and the Water, convenient to build Warehouses on:

Be It Enacted, That the Commissioners aforesaid, or the major Part of them, are hereby impowered and required to lay out the Breadth of Sixty Feet, from the Extremity of the Lots next the River along the River Side, for a Street; and to divide the Strand lying between the said Street and the Water, into convenient Lots, distinguishing them by certain Numbers, always extending the Town Streets that lead to the River, through the same Strand, to the Water Side: All which Lots hereafter to be taken up, shall be built upon and improved, as according to the before Dimensions, within Eighteen Months after the taking up of the same; which Lots so built upon, by p. 36 the Takers-up, or their Heirs, or Assigns, and payed for, or Tender of Payment made, as before provided, shall be the Right, Property, and Estate of such Person or Persons so taking up, improving, and paying, their Heirs and Assigns, for Ever.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Persons minding to take up Lots in the Town aforesaid, shall have free Liberty to take up and enter the same, for the Space of Twelve Months, to be computed from the Time of making the same Survey: But in Case all the Lots should not be taken up, within Twelve Months after the Survey made, that then the Proprietor or Proprietors shall be no way divested of their Right to such of the said Lots as shall not be so taken up.

Provided Always, That the Proprietor of the remaining Land not taken up, or held, shall have the Preference of taking up any Five Lots, he shall think fit; so that he makes his Election within Four Days after the Survey aforesaid is to be made.

And Be It Further Enacted, That every Person, who already hath, or hereafter shall take up, pay for, and build on any of the Lots laid out, by Virtue of the Act of Assembly aforesaid, their Heirs and Assigns for Ever, shall, after the Agreement now subsisting between the Right Honourable the Lord Proprietary and the People of this Province, for the Payment of his Lordship's Quit-Rents and Alienation Fines shall determine or cease, shall be chargeable with and liable to the Payment of One Penny Current Money for each Lot so taken up, paid for, and built on, to the Right Honourable the Lord Proprietary, and his Heirs, for Ever: And that the Clerk of Kent County, yearly transmit to his Lordship's Agent, for the Time being, an

Account of all the Lots so taken up, paid for, and built on, according to the Directions of the said Act. Session Laws

A Supplementary Act to the Act, Intituled, An Act, to limit the Continuance of Actions in several Courts within this Province; and ascertaining the Manner of taking the Evidence of Seafaring Men; and for granting Appeals from the Chancery Court to the Governour and Council. Chap. XVI
Amends
1721, ch. 14

Whereas, the Continuance of Actions depending in any of the Courts of Law within this Province, by an Act of Assembly, Intituled, An Act to limit the Continuance of Actions in several Courts within this Province; and ascertaining the Manner of taking the Evidence of Seafaring Men; and for granting Appeals from the Chancery Court to the Governour, stands limited to Four Courts, and no longer; which, by Experience, is found to be too short a Time in the High Court of Appeals, that Court not being fixed to any particular Days or Times when it shall be held; so that it may happen, that four or more Courts may be held in one Year; which, if any intervening Accident happens to impede a Trial, does not allow a sufficient Time to finish the same:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful, to and for the Judges in the said High Court of Appeals, as Judges on all Writs of Error, or Appeals, from the Courts of Common Law in this Province, as often as to them shall seem necessary for the better Administration of Justice, to continue any Appeal, or Writ of Error, now depending, or which hereafter shall be depending in the said Court, for the full Term or Time of Two Years, to be compleated from the End of the Appearance Court, and no longer; any Law, Statute, or Usage to the contrary, in any-wise, notwithstanding. p. 37

An Act for the Preservation of the Breed of Wild Deer.

Chap. XVII

Whereas, it has been represented to this General Assembly, That the Species of Deer hath of late Years been very much lessened, occasioned principally by the Inhabitants shooting, or otherwise destroying them, during the Time of the Female Deer being with young; and which evil Practice, if not put a Stop to, may in a few Years entirely destroy the Species of Deer, to the great Damage of the good People of this Province. For Prevention whereof, it is prayed, that it may be Enacted:

And Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not nor may be lawful for any

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Laws Person or Persons within this Province, (the Indians in Amity with us excepted) from the End of this Session of Assembly, to the last Day of July, this present Year, and in every Year afterwards between the first Day of January, and the last Day of July, to kill any Deer, under the Penalty of Four Hundred Pounds of Tobacco for every Deer so killed, to be recovered before a single Magistrate, (as in Cases of small Debts,) by the Oath of the Informer, and to be applied, the one half thereof to the Use of the Publick School of the County where such Offence shall be committed, the other half to the Use of the Person so informing.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person, in whose Hands or Custody any Deers Flesh shall be found, that shall appear to have been killed between the End of this present Session of Assembly, and the last Day of July this present Year, and in every Year afterwards, between the first Day of January, and the last Day of July, shall be deemed, taken, and adjudged to be the Killer of such Deer, and liable to the Penalty aforesaid, unless such Person make appear before a Magistrate, who it was that really killed the same, or from whom such Person or Persons thereof possessed, received the same.

p. 38 And Be It Further Enacted, by the Authority, Advice, and Consent aforesaid, That it is the true Intent and Meaning of this Act, that the Liberty given to the Indians aforesaid, shall extend only to the killing of Deer for their private Use, and not for Sale; and that it shall not be lawful for any Inhabitant within this Province, under the Penalty aforesaid, to be recovered as aforesaid, for the Uses aforesaid, to purchase any dead Deer, or any Part thereof, of any Indian or Indians within the Time prohibited by this Act to kill Deer in.

Repeals
1729, ch. 21 And Be It Further Enacted, by the Authority, Advice, and Consent aforesaid, That an Act of Assembly made at a Session of Assembly, begun and held at the City of Annapolis, the Tenth Day of July, Anno Domini One Thousand Seven Hundred and Twenty Nine, Intituled, An Act for the Preservation of the Breed of Wild Deer, be, and is hereby repealed, abrogated, and made null and void.

Chap. XXII An Act to ascertain the Fees of Practitioners of the Law within this Province, and to prevent Extortions, Frauds, and Abuses therein.

Forasmuch, as it is necessary to ascertain the Fees of Practitioners of the Law within this Province :

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assem-

bly, it shall not be lawful for any Counsellour, Attorney, or any other Person, of what Denomination soever in the Law, to ask, demand, take, or receive, on any Pretence whatsoever, any greater, or other Fee, Gratuity, Gift, Present, or Reward whatsoever, either by himself, or any other Person for his Use, for counselling, commencing, advising, prosecuting, and bringing to final Judgment, Agreement, or other End thereof, any Cause whatsoever, to be prosecuted or defended, in any Court or Jurisdiction within this Province, than such as are hereafter enumerated; (that is to say,) For bringing, prosecuting, or defending any Action or Suit, of what Nature or Quality soever, to final Judgment, Agreement, or other End thereof, in the several County Courts, the Sum of One Hundred Pounds of Tobacco, unless the principal Debt, or Damage, or Ballance of any Debt or Damages sued for, and recovered, do exceed the Sum of Two Thousand Pounds of Tobacco, or Ten Pounds Sterling; and then the said Attorney shall have Two Hundred Pounds of Tobacco, and no more. To the Attorney-General, or Clerk of Indictments, for prosecuting any Suit of the Lord Proprietor in the County Court, either by Indictment, Presentment, Information, or otherwise, One Hundred Pounds of Tobacco for his Fee, and no more, unless the Party prosecuted shall have a Trial by a Jury; and in such Cases, Two Hundred Pounds of Tobacco for his Fee, and no more. And to any Attorney, or other Person practising the Law in the Provincial Court, Court of Assize, High Court of Chancery, Commissaries Court, Court of Delegates, Court of Vice-Admiralty, or for prosecuting or defending any Cause before the General Assembly, or his Lordship's Agent in Land Affairs; or for prosecuting or defending any Appeals, Writs of Error, or any other Matter or Thing whatsoever, before the Governor and Council, the several Sums hereafter expressed; (to wit,) For prosecuting or defending any Cause, Plaint, or Action, of what Nature soever, in the Provincial Court, if Judgment shall be confessed by the Defendant, or the Cause otherwise ended, at the Appearance Court, Three Hundred Pounds of Tobacco, and no more. And in every Action in the Provincial Court, when Impar lance shall be granted, Five Hundred Pounds of Tobacco, and no more. For any Fee in the High Court of Chancery, where there shall be no further Proceedings than an Hearing on Bill, and Answer, Six Hundred Pounds of Tobacco; but where Commission issues, One Thousand Pounds of Tobacco, and no more. For drawing Petition for Injunction, if no Bill filed, Two Hundred Pounds of Tobacco. For Petition for Writ of ad quod Damnum, Two Hundred Pounds of Tobacco, and no more. For prosecuting or defending any Suit in the Court of Vice-Admiralty, for Seamens Wages, Six Hundred Pounds of Tobacco. For prosecuting or defending any Suit in the said Court, upon any Seizure made, One Thousand Pounds of Tobacco, and no more. For any Fee in the Commissary's Court, or Court of Delegates, Six Hundred Pounds of Tobacco, and no more. For any Fee

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Session in the High Court of Appeals, or before the Governour and Council,
 Laws Eight Hundred Pounds of Tobacco, and no more. For drawing Petition, pleading or defending any Cause before the General Assembly, the Sum of Four Hundred Pounds of Tobacco, and no more. If a Bill drawn and ingrossed thereon, then Two Hundred Pounds of Tobacco, and no more. For pleading or defending any Cause, Matter, or Thing, before his Lordship's Agent in Land Affairs, the Sum of Three Hundred Pounds of Tobacco, and no more. To his Lordship's Attorney-General, or Prosecutor, for any Action or Cause in the Provincial Court, or at the Assizes, at the Suit of his Lordship, by Indictment, Presentment, or Information, the Sum of Four Hundred Pounds of Tobacco, and no more. For prosecuting or defending any Cause in the Court of Assize, to final End, Agreement, or other Determination thereof, the Sum of Four Hundred Pounds of Tobacco, over and above the Fees before by this Act limited, for prosecuting an Action in the Provincial Court.

And Be It Further Enacted, by the Authority, Advice, and Consent aforesaid, That it shall not be lawful for any Attorney, Practitioner, Counsellour, or Adviser in the Law whatsoever, from and after the End of this present Session of Assembly, to advise, sue for, prosecute, implead, or defend any Person or Persons whatsoever, in any Action or Actions hereafter to be commenced in any of the Courts or Jurisdictions within this Province, unless he do first apply himself to such Court or Jurisdiction, where such Action or Suit is to be prosecuted or defended, and there take the following Oath; which Oath, the Justices or Judges of the several Courts or Jurisdictions, are hereby impowered and required to administer, before they admit such Attorney, or other Person practising the Law, to plead before them.

Saving the several Rights and Privileges of the Inhabitants of the City of Annapolis, by Virtue of Her late Royal Majesties Charter granted them.

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Oath of an Attorney.

You A. B. shall swear, you will do no Falsehood nor Deceit, nor consent to any to be done in this Court; and if you know of any to be done, you shall give Knowledge thereof to this Court, that it may be reformed. You shall delay no Man, for Lucre or Malice. You shall not wittingly or willingly (except in Capital Cases) receive any other Fees, Gifts, Gratuities, or Rewards whatsoever, by your self, or any other Person, than what are established and enumerated in an Act of Assembly, Intituled, An Act to ascertain the Fees of Practitioners of the Law within this Province, and to prevent Extortions, Frauds, and Abuses therein, either as an Attorney, Chamber Counsellour, Counsellour at Law, Barrester, or under any other Denomination of the Law whatsoever, for advising, titling, drawing Declara-

tion, pleading General or Special Retainer, or any other Service in the Law done, had, or advised to be done, or had, or thereto in any-wise relating, in any of the Courts of Record, Court of Chancery, or other Court or Jurisdiction, established in this Province; but in all Things be conformable to the Act aforesaid. You shall plead no Foreign Plea, to hurt any Man, but such as shall stand with the Order of the Law, and your Conscience. You shall not wittingly nor willingly sue, nor procure to be sued, any false Suit, nor give Aid or Consent to the same, on Pain of being expelled from the Court for Ever. And further, you shall use and demean your self in the Office of an Attorney within this Court, according to your Learning and Discretion.

So help you God.

And Be It Further Enacted, by the Authority, Advice, and Consent aforesaid, That any Person or Persons, Inhabitants of this Province, who, from and after the End of this present Session of Assembly, shall have Occasion to prosecute or implead any Person or Persons whatsoever, in any Action or Suit, or to defend him, her, or themselves from any Action or Suit whatsoever, before any Court or Jurisdiction of this Province, the Plaintiff, at the Return of such Writ, or before Trial of the said Cause, shall be obliged to take the following Oath, (or Affirmation if a Quaker) prescribed by this Act, before the Court to which such Writ is returnable, or before some Justice of the Provincial Court, or of the Peace, for the County where the Action is depending, or the County where such Plaintiff doth reside, and to return a Certificate of the same to the said Court; and in Default thereof, shall suffer a Nonsuit, if the Defendant appears, and takes the said Oath, or returns a Certificate thereof. And in Case the Defendant, on the return of such Writ, if he shall appear, or before trial of such Cause, doth not take the same Oath before the Court, or produce a Certificate of his having so done, before some Magistrate as aforesaid, the Plaintiff having complied with his Part, it shall and may be lawful for the Judges or Justices of the several Courts within this Province, on the Plaintiff his making appear his Claim, to give Judgment against such Defendant, as by Default for such Debt, Damages, and Costs, as to them shall seem meet.

Oath of Plaintiff and Defendant.

You A. B. do swear, That you have not given, caused to be given, or paid, nor will wittingly, willingly, or designedly give, cause to be given, or pay, either directly or indirectly, unto your Attorney or Attornies, Counsellours, or Advisers in the Cause now depending between you and C. D. in . . . Court, or to any other Person whatsoever, for the Use of your said Attorney or Attornies, Counsellours, or Advisers, any other or larger Fee or Fees, Gratuity, or Reward, either for Advice in the said Action, or any other Ser-

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Session vices thereto relating, than they are allowed to take, by an Act of
 Laws Assembly, Intituled, An Act to ascertain the Fees of Practitioners
 of the Law within this Province, and to prevent Extortions, Frauds,
 and Abuses therein, according to the best of your Knowledge.

So help you God.

And Be It Further Enacted, That a Certificate of such Person or Persons having taken such Oath or Oaths, (or Affirmation, if a Quaker,) if taken out of Court, of Plaintiff or Defendant, shall be delivered to the Clerk of the Court, where such Suit shall be depending; and the Clerk of such Court, ex Officio, shall file such Certificate or Certificates; and the Judges and Justices of all Courts and Jurisdictions within this Province, are hereby required to give no Judgment, Decree, Order, or Sentence, for any Person or Persons refusing or neglecting to take the Clients Oath prescribed by this Act.

Provided Always, That nothing in this Act contained, shall be construed to hinder His Royal Majesty, or the Lord Proprietary, from commencing and prosecuting any Action or Actions, as if this Law had never been made; any Thing therein to the contrary, notwithstanding.

Provided Also, That no Oath of Plaintiff or Defendant shall be required from any Person not residing, or being in this Province, if the Agents or Attornies of such Persons within this Province, shall take the Oath of Plaintiff or Defendant, by this Act prescribed, changing what is needful to be changed.

And Be It Further Enacted, That in case any Person shall ask Advice of any Attorney, or other Person whatsoever, in Order to the prosecuting or defending any Action or Suit whatsoever, if no Action be commenced on such Advice, or Action defended by such Attorney, or other Person practising the Law, it shall and may be lawful for such Attorney, or other Person practising the Law, to take, as a Fee for such Advice, One Hundred Pounds of Tobacco, or Ten Shillings Current Money, and no more.

And Be It Further Enacted, by the Authority, Advice, and Consent aforesaid, That no Person or Persons whatsoever, practising the Law within this Province, or other Person within the Purview of this Act, shall presume to take or receive of any Client or Employer whatsoever, in Lieu of the Tobacco Fees by this Act limited, due from such Client or Employer, more than the Sum of Ten Shillings Current Money per Hundred, under Pretence of selling their Fees to their [se]veral Clients or Employers.

And Be It Further Enacted, by and with the Authority, Advice,
 p. 42 and Consent aforesaid, That where any Attorney or Attornies practising the Law in any Court or Jurisdiction within this Province, who already have been, or hereafter shall be employed by any Person or Persons whatsoever, in any Action or Actions already commenced,

or hereafter to be commenced in any Court or Jurisdiction aforesaid, shall willfully neglect, refuse, or deny to finish the same, so that their Clients and Employers shall suffer Nonsuits or Judgments to pass against them, or shall be obliged to employ some other Person or Persons to prosecute or defend such Cause or Causes as aforesaid; such Attorney or Attornies so neglecting or refusing, shall be obliged to refund all such Fees as they have, or shall receive of their Clients or Employers; and also pay all such Damages, Costs, and Charges as to the Parties may accrue by means of such Neglect or wilful Refusal; which said Fees and Charges so laid out and expended, or Damages sustained by such Client or Clients, Employer or Employers, if they exceed the Sum of Four Hundred Pounds of Tobacco, or One Pound Thirteen Shillings and Four Pence Current Money, shall be recovered in any County Court of this Province, as other Debts or Damages are usually recovered: But if the said Damages, Costs, and Charges do not exceed the Sum of Four Hundred Pounds of Tobacco, or One Pound Thirteen Shillings and Four Pence Current Money, the same shall be recovered according to the Directions of an Act of Assembly of this Province, Intituled, An Act for the speedy Recovery of small Debts. Session
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Provided Always, That such Attorney, or other Practitioners of the Law, employed in any Action as aforesaid, that shall depart this Province, before the finishing such Actions, shall be exempted from all Penalties inflicted upon Attornies, or others, by this Act, for not finishing the Business they are employed in, if, before such Departure, such Attorney, or other Practitioner of the Law, shall pay the Fee of such other Practitioner of the Law as their Clients shall employ to finish such Action; and give the best Instructions for doing the same they are capable of; any Thing in this Act contained to the contrary thereof, notwithstanding.

Provided Always, That nothing in this Act contained, shall be construed to hinder any Attorney, or other Practitioner in the Law whatsoever, from prosecuting or defending to Judgment, or final End, any Action or Actions that hath been, or shall be brought, commenced, prosecuted, or defended, at any Time before the End of this Session of Assembly, against any Person or Persons in this Province, either in Behalf of himself, or any other Person; or hinder any Practitioner in the Law whatsoever, from bringing, prosecuting, or defending, in his proper Person, any Action or Actions that relates to himself, if the said Practitioner of the Law shall make appear, upon Oath, before the Court where such Action or Actions are brought, or defended, that the said Action or Actions so brought, or defended, are what he is really and bona fide concerned in, on his own Personal Right, or as Guardian of any Minor, or Executor, or Administrator of any Person or Persons deceased, without any Deceit, Collusion, or Artifice whatsoever, to evade the Oath of Attorney, or Client, prescribed by this Act.

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And Be It Further Enacted, by and with the Authority, Advice and Consent aforesaid, That all and every Clause or Clauses, Article or Articles mentioned in any Act of Assembly of this Province heretofore made, relating to the ascertaining and limiting of Attornies Fees, only be, and are hereby declared to be repealed, abrogated, and made void, to all Intents, Constructions, and Purposes.

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This Act to continue for Three Years, and to the End of the next Session of Assembly that shall first happen after the End of the said Three Years.

Chap.
XXIII
Amends
1702, ch. 1

A Supplementary Act to the Act, Intituled, An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintenance of Ministers.

Whereas, by the Act, Intituled, An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintenance of Ministers, select Vestries in each Parish of this Province, are directed to be chosen, in the Manner, and with the Qualifications mentioned by the said Act, and Two new Vestrymen annually chosen, in the Place of Two others, who should be left out; but no Provision is made by the said Act, for obliging such Person or Persons who should be chosen, by Virtue of the aforesaid Act, as a Vestryman or Vestrymen to serve and act in the Duty and Office of a Vestryman or Vestrymen, nor any Directions prescribed by the said Act, in what Order or Method the Two Vestrymen, directed by the said Act to be annually left out, should be so left out:

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons shall, after this Session of Assembly, be chosen and elected, by Virtue of the aforesaid Act, as a Vestryman or Vestrymen in any Parish of this Province; and being so chosen or elected, shall (after convenient Notice thereof to him or them given, by the Register of the respective Parish or Parishes where he or they shall be so chosen and elected as aforesaid) refuse or neglect to repair to and be present at the next Meeting of such Vestry or Vestries; and there qualify him or themselves as such Vestryman or Vestrymen, without a reasonable Excuse, after such Notice to them given as aforesaid; and Notice of such Meeting to be given to him or them by the said Register; who is hereby directed and required to give such Notice, under the Penalty and Forfeiture of One Thousand Pounds of Tobacco, that then every Vestryman so refusing or neglecting as aforesaid, shall forfeit and pay the Quantity of One Thousand Pounds of Tobacco. And the Two Vestrymen mentioned by the said Act, to be annually left out, shall and are hereby directed to be the Two eldest Vestrymen; and which said Two

Vestrymen so left out as aforesaid, or either of them, shall not be liable to be chosen, or obliged to serve as a Vestryman or Vestrymen, for the Space of Three Years ensuing the Time of their being left out as aforesaid. Session
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And It Is Hereby Further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for the Vestry or Vestries, and they are hereby impowered and directed to proceed to the Choice and Election of some other Person or Persons to be Vestryman or Vestrymen, in the Place or Stead of such Person or Persons so chosen Vestryman or Vestrymen, and refusing or neglecting as aforesaid; p. 44 and the former Choice of such Person or Persons as Vestryman or Vestrymen refusing or neglecting, shall be Void and of no Effect.

And Whereas, by the aforesaid recited Act, no Method of Prosecution is directed for the Recovery of the Fines and Penalties by the said Act imposed on a Vestryman or Vestrymen, Churchwarden or Churchwardens, Register or Registers, and every Person refusing or neglecting to register any Birth, Marriage, or Burial.

Be It Therefore Hereby Enacted, by the Authority aforesaid, That the Fines and Penalties in the aforesaid recited Act mentioned to be imposed on a Vestryman or Vestrymen, Register or Registers, or any other Person refusing or neglecting to register any Birth, Marriage, or Burial, shall and may be recovered before any One Justice of the Peace for the said County where such Offence shall be committed; and one Moiety thereof applied towards defraying the Charge of the Parish where the Offence shall be committed, and the other Moiety to him, her, or them that shall inform of the same.

And It Is Hereby Further Enacted, by the Authority aforesaid, That the Fine or Fines, by this Act imposed on the Vestryman so refusing or neglecting as aforesaid, and on the Register as aforesaid, and by the aforesaid recited Act on the Churchwardens, shall and may be sued for, and recovered in his Lordship the Lord Proprietary's Name, by Information, in the Court of the County where such Offence shall be committed, wherein no Essoin, Protection, or Wager of Law shall be allowed. The same Fine or Fines to be for the Use of the Parish in which the said Offence or Offences shall be committed; and every and each acting Vestryman or Register is hereby required to make Information to the next County Court, after such Neglect or Refusal of the Vestryman or Vestrymen elected as aforesaid, or Neglect or Refusal of the said Register as aforesaid, in Order for the Recovery of the Fine or Fines imposed by this Act. And the Justices of the said County Court so informed, shall and may, and are hereby directed and authorized to order a Prosecution in the Manner aforesaid, to be had against such Vestryman or Vestrymen, Register or Registers, Churchwarden or Churchwardens, refusing or neglecting as aforesaid.

Session
Laws Provided Always, That the Power and Authority by the aforesaid recited Act, and this present Act, given to the Vestry or Vestries, for the Election of a Vestryman or Vestrymen, Churchwarden or Churchwardens, and the Fines and Penalties by this Act, and the aforesaid recited Act, imposed on the Vestryman or Vestrymen, Register or Registers, Churchwarden or Churchwardens refusing or neglecting the Office and Duty required of them by the aforesaid recited Act, and this present Act, shall not be construed or understood to make any Person or Persons liable to such Choice or Penalties, who shall be publickly known to be of any Profession in Religion different from that of the Church of England established by Law; any Thing in this Act contained to the contrary thereof, in anywise, notwithstanding.

p. 45 And Be It Further Enacted, That it shall and may be lawful for the several Vestries within this Province, to allow unto the Clerk or Register of each Vestry yearly, any Quantity of Tobacco, not exceeding One Thousand Pounds of Tobacco, for their Services as Clerk or Register of the said Parish; which they may raise, on Application to the County Justices, by an equal Assessment upon the Taxable Inhabitants of the said Parishes; which Justices are hereby directed and impowered on such Application to assess the same.

Chap. XXV An Act empowering a Committee to lay, assess, and apportion the Publick Levy, for this present Year, One Thousand Seven Hundred and Thirty.

Whereas, this present General Assembly have, for the defraying the Publick Charge of this Province to the Fifteenth Day of June Instant, raised a certain Sum of Tobacco and Money, amounting to Two Hundred and Twenty Three Thousand Four Hundred and Fifty Pounds of Tobacco, as by the Journal of the Committee of Accounts appears; but by Reason more Public Charges may arise, and grow due before the usual and accustomed Time of Payment, which is the Tenth of November yearly; at which Time, again to call and convene the whole Assembly for that Occasion only, considering the great Number of them, and the Remoteness of their Habitations from the Place appointed, would be very chargeable and troublesome to the whole Province in General:

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable Charles Calvert, Esq^r; Col. William Holland, Philemon Lloyd, Esq^r Benjamin Tasker, Esq^r and Philip Lee, Esq^r of his Lordship's Honourable Upper House of Assembly; and the Honourable Col. John Mackall, Col. Thomas Trueman Greenfield, James Harris, Esq^r John Beale, Esq^r Col. John Fendal, M^r George Dashiels, M^r Samuel Chamberlain, Col. William En-

nalls, M^r Joshua George, M^r William Hamilton, M^r Ralph Crabb, Session
and M^r William Hemsley, of the Honourable Lower House of As- Laws
sembly, or the major Part of them, be and appear at the City of
Annapolis, the Fourth Tuesday of October next, then and there to
lay and assess the Publick Levy already raised; and also to allow,
levy, and assess what further Charges may accrue, which to them
shall justly appear to be due from the Publick, not exceeding Two
Hundred Thousand Pounds of Tobacco, and Five Hundred Pounds
Current Money of this Province, more than what is already raised;
and likewise to apportion, order, and pay out of the Publick Treas-
ury of this Province, the Sum of Eighty Eight Pounds Six Shillings
and Six Pence Current Money of this Province, to the several Per-
sons to whom the same shall be due, as by the Journal of the Com-
mittee of Accounts appears; and a fair Journal of all their Proceed-
ings to be delivered to the Clerk of the Lower House of Assembly,
for Satisfaction of all Persons therewith concerned, by the Thirtieth
Day of November next. And if it shall happen, that his Excellency
shall please to convene an Assembly, before the Fourth Tuesday of
October next aforesaid, that then this present Act, and every Thing
therein contained, shall be Void and of no Effect.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis, July 13–July 29, 1731.
Being the Fourth Session of the Assembly Elected in 1728.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BENEDICT LEONARD CALVERT,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY

Maryland ss.

At a Generall Assembly of the Province of Maryland begun and held at the City of Annapolis the Thirteenth day of July in the fourth Year of the Reigne of Our Sovereigne Lord George the Second and in the Seventeenth Year of his Lordships the Lord Proprietaries Dominion &c. Being the fourth Session of this present Generall Assembly, Annoq Domini 1731.

Present

His Excellency Benedict Leonard Calvert Governour.

The Hon ^{ble}	{	Charles Calvert Esq ^r	Benjamin Tasker Esq ^r
		Col. William Holland	Phillip Lee Esq ^r
		Col. Richard Tilghman	Coll. John Ryder
		Col. Matt. Tilgh. Ward	

Members of the Upper House.

Mr Beale and Mr Dulany from the Lower House Attend and Acquaint his Excellency the Governour That there are a Sufficient Number of Members met to make a House. And wait His Excellencys Commands.

Whereupon Collⁿ Richard Tilghman & Collⁿ Matthew Tilghman Ward are Sent to the Lower House to Acquaint them His Excellency Requires the Speaker and the whole House to Attend him in the Councill Chamber.

U. H. J.
No. 33
p. 69
July 13
On Feb. 19,
1730/1, the
Council
authorized
the Gov-
ernor to
continue the
prorogation
of the As-
sembly from
Mar. to Apr.
and if he
saw fit to
July. 25
Archives
(7 Coun.) 537

U. H. J. The Speaker & the whole House Accordingly Attend on His Excellency to whom he is pleased to make the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly

As I have an Intention to visit my Native Country upon Account of my Health which for some time past I have very much wanted. And not knowing how suddenly I might undertake the Voyage I inclined to a Session of Assembly at this time pursuant to Your Last
p. 70 Prorogation, That I might once more at least Joyne with You in my best Endeavours for the Real Service of the Country, A Scene wherein I shall ever be ready to Act the Kindest and Sincerest Part.

His Lordship the Lord Proprietary having Transmitted me his Answer to your Joint Address in the last Session. I shall lay the same before you pursuant to His Lordships Directions.

I must renew my former Recommendation of Care & Circumspection in the pening of our Laws since the use as well as the Credit of them will much depend thereon.

I am informed by some of the Naval Officers that severall persons (who in their Opinions seem not Entitled thereto) claim the Benefit of the Laws made in favour of Residents, as to the Publick Duties, and in as much as those Laws are by many thought not sufficiently clear in their Expressions. An Explanation thereupon may clear all Doubts; and prevent further Disputes. which I hope you will therefore Consider of.

Altho we must Principally rely on the Divine Providence for an happy Issue to all our Consultations yet on our Part we must not be wanting in a Calm and Diligent Attention thereto: Would we seek after Wisdom we must seek her in the Temple of Concord. there only she delights to dwell, there may be had freedom of Converse with her, and Moderation only can shew us the paths that lead thereto.

And as I have such Intentions of leaving for some time His Lordships Good Tenants here; they may be Assured, that my best Endeavours shall not be wanting in England, upon any occasion wherein I can be Serviceable to them; However the prudence of your owne measures may be greatly Assistant to my best Inclinations in the service of the Province of Maryland.

His Lordships Answer to the Address of both Houses of Assembly
in Maryland.

London The Twenty Nineth day of Jan^{ry} 1730/1

C. Baltemore.

Gentlemen of the Upper and Lower Houses of Assembly.

p. 71 I thank you for your kind and Dutifull Address and you may be Assured of my Protection and Care for the welfare of the Province of Maryland.

The low Estate of our Staple Justly Claimed your Consideration U. H. J. and Relief, and I hope the present Law for that purpose will prove Effectuall.

It is with Great Reluctance that I am Obliged to Dissent to the Laws For Ascertaining the Form of the Oath of Judge or Justice. As likewise that for Ascertaining the Fees of the Practitioners of the Law; The first because it is the Opinion of all the Lawyers here. That the Statute Law does not Extend to the Plantations unless by words of Locall Limitation; And forasmuch as the Oath declares not only those already past do but also them that shall be hereafter Enacted; As to the other it is not Agreeable to any known Law here.

Gentlemen of Both Houses. I cannot sufficiently Commend your Zeal in your Countrys Service; and the Good People of Maryland my Faithfull Tenants may Depend, Impartiall Justice shall be the Measure of my Government.

M^r Dulany from the Lower House Acquaints His Excellency that the House hath Appointed M^r William Cumming to Act as the Clerk on behalfe of M^r Michael Macnemara during the absence of him the said Macnemara and hopes for His Excellency's Approbation; His Excellency is pleased to Approve of the said M^r Cumming; Who takes the Oaths to the Government Appointed to be taken by Act of Assembly and subscribed the Abjuration & Test according to the Directions of the Act afors^d and also took the usuall Oaths of Office, and then withdrew.

Adjourned till to Morrow Morning Nine a Clock.

Wednesday Morning 14th July 1731.

July 14

This House met again according to Adjournment.

Present as Yesterday.

A Message from the Lower House by M^r Dashiel and M^r Thompson.

By the Lower House of Assembly. July 14th 1731.

p. 72

This House in Order to Expedite the Publick Affairs of this Province propose to sit from Eight of the Clock in the Morning untill Twelve & from two in the afternoon untill Six during this Session & desire to know if the said Proposall be Agreeable to your Honours.

Signed p Order W^m Cumming Cl. Lo. Ho.

The following Answer being prepared is Sent to the Lower House by Col. Ryder.

U. H. J. By the Upper House of Assembly 14th July 1731.

Gentlemen.

The times of sitting for the Dispatch of the publick Business of this Province proposed in your Message of this day by M^r Dashiel & M^r Thompson are agreeable to this House

Signed p Order John Ross Cl. Up^r Ho.

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment.

Present as in the Morning

Read the Petition of the Vestry Churchwardens & Parishioners of Westminster Parish in Ann Arundell County and Recommended to the Consideration of the Lower House of Assembly.

Sent by Phillip Lee Esq^r

The Honourable Charles Calvert Esq^r attended by the rest of the Members of this House, wait upon his Excellency the Governour, and present to him their Answer to his most favourable Speech to both Houses of Assembly at the Opening of the Session.

To His Excellency Benedict Leonard Calvert Governour and Commander in Chief in and Over the Province of Maryland.

p. 73 May it please Your Excellency

It is with Great Concern We observe from Your kind Speech to both Houses of Assembly at the Opening of this Session your Excellency's Intention of Returning to Great Brittain; It would have been a Great Satisfaction to us, if the Air and Climate of this Province had been so Suitable to your Constitution as to have prevented the occasion of your Departure from us; But as health is the Greatest Temporall blessing, We must submit to the Inconveniency of your absence and Unanimously joyn in Sincerely wishing that your Intended Voyage may have the Desired Effect, in restoring you to a perfect State of Health, And that your Excellency may soon return to Execute the great Trust reposed in you by His Lordship, in which you have Acquitted Your selfe with great Justice and Wisdom.

The reason your Excellency has been pleased to Assigne for calling an Assembly at this time in Order to Joyn with us in Endeavouring for the real Service of this Province make such Impressions of Gratitude upon our minds as must Necessarily induce us to make suitable returns and use our utmost Endeavours to obtain the benefitts of your Good Inclinations in favour of our Country.

His Lordships kind Answer to the Joynt Address of both Houses of Assembly the last Session. We gratefully Accept not in the least

doubting of His Lordships Resolution of making Impartial Justice U. H. J. the rule of His Government.

We shall Endeavour to Exert ourselves according to our Capacities in Observing your Excellency's recomēdacōn of Care & Circumspection in the Pening of our Laws; and will Carefully Inspect the Laws mentioned by your Excellency for Exempting Resident Owners of Vessells from the payment of publick Duties and shall be ready on our parts to amend any Defects that may be found therein. And under the Direction of Divine Providence, in a Calm & moderate Disposition apply ourselves seriously to the Consideration of all such things as shall come before us, or be thought conducive to the publick welfare according to our Severall Abilities.

Our Sincere thanks Attend your Excellency for Your obliging p. 74 Assurance, That you will use your best Endeavours in England to promote the welfare of his Lordships Tenants here, And we hope we shall not be wanting on our parts to Administer Occasions and be Assistant in Obtaining that Good end, We take leave to conclude with observing that by this Assurance We are convinced of the same good Disposition in your Excellency for the Publick good of this Province which has ever Appeared in your Noble Family, under whose Countenance & protection it was first Settled & still Subsists. And we hope may Continue to the latest Posterity.

Which Address was Subscribed by all the Members present.

Adjourned till to Morrow Morning Eight a Clock

Thursday Morning 15th July 1731

July 15

This House met again According to Adjournment

Present as Yesterday

His Excellency the Governour by the Hono^{ble} Charles Calvert Esq^r communicates his Answer to the Address of this House.

Gentlemen.

I Return you my thanks for your most Obliging Address. You may be Assured that no one can have the Welfare of this Province more at Heart than my selfe, And I hope by my Attention thereto to Approve my selfe in some Sort worthy of the Relation which I bear to the Proprietary's Family.

Benedict Leonard Calvert

Read the Petition of Robert Lynch Languishing prisoner in Kent County Thomas Taylor in Baltemore and William Nimmo in Prince Georges County Goal and referred to the Consideration of the Lower House of Assembly.

U. H. J. Sent by Benjamin Tasker Esq^r
Adjourned till two of the Clock in the Afternoon.

p. 75

Eodem Die Post Meridiem

This House met again according to Adjournm^t
Present as in the Morning.

A Message from the Lower House by M^r Harris and M^r Hanson.

By the Lower House of Assembly July the 15th 1731.

May it please Your Honours

This House being of Opinion that Emitting Bills of Credit for a Certain Sume to be Limited by Act of Assembly will be of great Service to this Province, and that a bill for that purpose may be best prepared by a Committee of both Houses proposed to Appoint some of this House to Joyn with some Members of Yours, as your Hono^{rs} will please to Appoint to prepare a bill for that purpose

Signed p Order W^m Cumming Cl. Lo. Ho.

A bill from the lower House by M^r Smith and M^r Skinner Entituled an Act empowering the Justices of Calvert County to Levy on the Taxable persons of that County any sume of Tobacco not Exceeding Ten Thousand pounds of Tobacco to pay for the finishing the Court House of the s^d County thus Endorsed.

By the Lower House of Assembly 15th July 1731

Read the first & second time by an Especial Order and will Pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

The following Message being prepared is sent to the Lower House by Collⁿ Ward.

By the Upper House of Assembly 15th July 1731

Gentlemen

In Answer to your Message of this afternoon by M^r Harris & M^r Hanson this House doth think it a more Parliamentary Method for you to prepare a Bill in the usuall form in Your House for the purposes intended by Your s^d Message which when sent up to us Will be maturely considered of.

Signed p Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Eight a Clock

Friday Morning 16th July 1731.

U. H. J.
July 16

This House met again According to Adjournment

Present as Yesterday

Read the Petition of Joseph Beckett Richard Sympson and William Robinson Languishing Prisoners in Ann Arundell County Goal and George Clagett a Languishing Prisoner in Prince Georges County Goal and referred to the Consideration of the lower House of Assembly.

Read the petition of the Inhabitants of Upper Marlborough in Prince Georges County and referred to the consideration of the lower House of Assembly.

Read the petition of the Visitors of the free School in Cecill County and referred to the Consideration of the lower House of Assembly.

The foregoing petitions are sent down by Col. Tilghman

Read the first time the bill Entituled An Act Impowering the Justices of Calvert County to Levy on the Taxable persons of that County any Sum of Tobacco not Exceeding Ten Thousand pounds of Tobacco to pay for the finishing the Court House of the s^d County and ordered to lye on the Table.

A Bill from the Lower House by M^r Tolly and M^r Hamilton Entituled an Act for the Continuance of Process in Baltemore County Court thus Endorsed.

By the lower House of Assembly 16th July 1731

Read the first and second time by an Especial Order and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

p. 77

This House met again According to Adjournment.

Present as in the Morning.

Read the Petition of Richard Smith of Prince Georges County praying leave to bring in a bill to protect his person from Confinement upon Surrendering his Effects to his Creditors and Rejected.

Read the Petition of Daniel Bateman Languishing Prisoner in Ann Arundell County Goal and William Burston languishing Prisoner in Prince Georges County Goal and referred to the Consideration of the lower House of Assembly

Sent by Col. Holland.

U. H. J. Read the Petition of the Honourable Charles Calvert Esq^r and Recommended to the Consideration of the Lower House of Assembly

Sent by Coll. Ryder.

Adjourned till to Morrow Morning Eight a Clock.

July 17

Saturday Morning 17th July 1731

This House met again according to Adjournment

Present as Yesterday

A Bill from the lower House by M^r Magruder and M^r Sprigg Entituled an Act to Encourage the making of Linnen Cloth within this Province of Flax or Hemp of the Growth thereof. thus Endorsed.

By the Lower House of Assembly 16th July 1731

Read the first time

Signed p Order W^m Cumming Cl. Lo. Ho.

By the Lower House of Assembly 17th July 1731

Read the second time and will Pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

p. 78 Read the second time the bill Entituled an Act Impowering the Justices of Calvert County to Levy on the Taxable persons of that County any Sume of Tobacco not Exceeding Ten Thousand pounds of Tobacco to pay for the finishing the Court house of the said County and will pass. and ordered to be so Endorsed.

Sent to the Lower House by Phillip Lee Esq^r

Read the second time the bill Entituled An Act for the continuance of Process in Baltemore County Court, and will pass and ordered to be so Endorsed.

Sent to the Lower House by Benjamin Tasker Esq^r

Adjourned till Two of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again According to Adjournment

Present as in the Morning Except Coll. Holland.

Read the Petition of Playter Onely and Stephen Pike and Referred to the Consideration of the Lower House of Assembly.

Sent with the following Message by Co^l Ward.

By the Upper House of Assembly 17th July 1731.

U. H. J.

Gentlemen.

On Reading the Petition of Playter Onely & Stephen Pike herewith sent, We had Occasion to inspect our Act of Assembly for Regulateing the Current money of this Province; And we therein find that the Method prescribed for regulateing the value of all other Silver Coins Except Dog Dollars, and such Coins as are mentioned in the Table, is so uncertain & difficult as renders it Impracticable; And we likewise Observe that there is not any Regulation of Foreign Gold, which is now the chief Currency we have in this Province, We therefore think it Necessary that a bill be prepared this Session for Regulating & Ascertaining the value of Foreign Silver and Gold Coin in this Province, with which if your House Concurs a bill may be prepared Accordingly.

Signed p Order John Ross Cl. Up. Ho.

Adjourned till Monday Morning Eight of the Clock

Monday Morning 19th July 1731

July 19
p. 79

This House met again According to Adjournment

Present

The Honōble:	{	Charles Calvert Esq ^r	Benjamin Tasker Esq ^r
		Co ^l Richard Tilghman	Phillip Lee Esq ^r
		Col. Matt. Tilgh. Ward	Co ^l John Rider
		John Rousby Esq ^r	

Members of the Upper House.

Read the petitions of Richard Roaper Richard Greenway & Thomas Lewis languishing prisoners in Ann Arundell County Goal, and referred to the Consideration of the Lower House of Assembly.

Sent by John Rousby Esq^r

Read the Petition of Ashbury Sutton Carpenter praying leave to bring in a bill to Vest him with an Estate in fee in a Lott of Land in the City of Annapolis laid out for a Carpenters Yard, and Rejected.

Read the second time the bill Entituled an Act for the Encouragement of Linnen Cloth within this Province of Flax or Hemp of the Growth thereof, and will pass with the following Amendment Viz.

The Linnen so made to Entitle persons claiming the benefitt of this Act to be seven Eighths of a yard wide at the least, And a Provisoe to be added; Where no such linnen shall be brought; The Justices to Apply the Tobacco so levied to the use of the County the Ensuing Year, Ordered to be so Endorsed.

Sent to the Lower House by Col. Ward.

U. H. J. A Bill from the Lower House by M^r Warfield Entituled an Act for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster Parish in Ann Arundell County, as will build them a New Parish Church & purchase two Acres of Land to build the said Church on thus Endorsed.

By the Lower House of Assembly 19th July 1731

Read the first & second time by an Especial order and will Pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

p. 80 Read the first [time] in this House and ordered to lye on the Table
Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem.

This House met again According to Adjournment.

Present as in the Morning with the Addition of Col. Holland & Philemon Lloyd Esq^r

Read the petition of Edward Hyatt languishing Prisoner in Kent County Goal, and referred to the Consideration of the Lower House of Assembly.

Sent by Coll. Tilghman.

Adjourned till to Morrow Morning Eight a Clock

July 20

Tuesday Morning 20th July 1731.

This House met again According to Adjournment

Present as Yesterday with the Addition of John Hall Esq^r

An Engrossed Bill from the lower House by M^r Smith and M^r Skinner Entituled an Act Empowering the Justices of Calvert County Court to Levy on the Taxable persons of that County any Summe of Tobacco not Exceeding Ten Thousand pounds of Tobacco to pay for the finishing the Court House of the said County Thus Subscribed

20th July 1731

Read & Assented to by the Lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

Read and Assented to by this House and ordered to be so Subscribed. The Paper Bill so Endorsed is Sent to the lower House by John Rousby Esq^r

Read the petition of James Govane late Sheriff of Ann Arundell County, and rejected.

Read the Second time the bill Entituled an Act for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster

parish in Ann Arundell County as will build them a New Church and U. H. J. purchase Two Acres of Land to Build the said Church on; and will pass. A Clause being Added that in case the owners of the within p. 81 mentioned two Acres of Land refuse to sell the same, then the said Land be valued by a Jury and that Satisfaction be made the Proprietors According to such Valuation; ordered to be so Endorsed.

Sent to the Lower House by John Hall Esq^r

Adjourned till two of the Clock in the afternoon.

Eodem Die Post Meridiem

This House met again According to Adjournment

Present as in the Morning

A Bill from the lower House by M^r Beale and Cap^{tn} Gordon Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from Audry Taylard late of S^t Marys County widow to Philemon Hemsley and Mary his wife of a Lott or portion of ground lying in Annapolis now in the possession of the Honourable Charles Calvert Esq^r thus Endorsed.

By the Lower House of Assembly 20th July 1731

Read the first & second time by an Especial Order and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

Read the Petition of Robert Tyler praying leave to bring in a bill to confirm a right to him in a Tract of Land called Norway belonging to a Certain Gunder Erickson Decēd, the Patent of which Land was lodged in the hands of the said Tyler in the life time of the said Erickson, as a Security for Debt due to him the said Tyler from the said Erickson, and Rejected.

An Engrossed Bill from the lower House by M^r Matthews & M^r Hamilton Entituled an Act for the continuance of Process in Baltimore County Court thus Subscribed.

20th July 1731.

Read & Assented to by the Lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

Read & Assented to by this House & ordered to be so Subscribed, the paper bill so Endorsed, is sent to the Lower House by John Rousby Esq^r

An Engrossed Bill from the Lower House by M^r Dashiel & M^r p. 82 Hamilton Entituled an Act for the Encouragement of the making

U. H. J. of Linnen Cloth within this Province of Flax or Hemp of the growth thereof thus Subscribed.

20th July 1731

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

Read and Assented to by this House and ordered to be so Subscribed the Paper Bill so Endorsed is sent to the Lower House by John Rousby Esq^r

Adjourned till to Morrow Morning Eight a Clock

July 21

Wednesday Morning 21st July 1731.

This House met again According to Adjournment.

Present as Yesterday

A Message from the lower house by M^r Dulany and M^r Robins.

By the Lower House of Assembly 21st July 1731.

May it please Your Honours.

This House is Informed that a Vessell Just now Arrived belonging to M^r Woodward has the Small Pox on Board; which if not timely prevented may Infect the whole Province; We therefore desire Your Honours concurrence & Assistance in preventing the People belonging to the said Vessell from coming on Shoar untill a Bill be prepared to prevent the spreading of that fatall Distemper.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the petition of William Merson of Queen Annes County a Minor and recommended to the Consideration of the Lower House of Assembly.

Read the petition of James Kingsbury of Calvert County son & heir of James Kingsbury late of Calvert County Chyrurgeon Decēd and Recommended to the Consideration of the Lower House of Assembly.

The above Petitions sent by Philemon Lloyd Esq^r

p. 83 Read the Petition of John Rider of Dorchester County praying leave to bring in a bill to cut of the Entail of severall Tracts of Land, and to Settle other Lands of Equall Value in Lieu thereof, and recommended to the Consideracōn of the Lower House of Assembly; The Heir at Law of the said John Rider Appearing in this House Openly declares his consent thereto.

Sent by John Rousby Esq^r

A Bill from the lower House by M^r Dulany and M^r Jenings Entituled an Act to prevent the Infection & Spreading of the small Pox now raging in a Ship belonging to Amos Woodward Merchant thus Endorsed. U. H. J.

By the lower House of Assembly 21st July 1731

Read the first & second time by an Especiall Order and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

A Message from the lower House by M^r Dulany and Twelve more.

By the lower House of Assembly 21st July 1731

May it please Yo^r Honours

We are so Apprehensive of the small Pox spreading that we cannot omit requesting your Honours Expediting the Bill before you to prevent the same, without which it will be unsafe for such of the Members of this House as have not had it, to stay any longer in a place so Dangerous, as Annapolis will probably be, in a few Hours; And even such of us as have had it, must be Obliged to gett away with all Speed to prevent carrying the Infection into our Familys.

Signed p Order W^m Cumming Cl. Lo. Ho

Read the Bill Entituled an Act to prevent the Infection & spreading of the small Pox now raging in a Ship belonging to Amos Woodward Merchant and Ordered to be thus Endorsed.

By the Upper House of Assembly 21st July 1731

Read the first and second time by an Especial Order and with the following Amendments will pass. The words in the Title; *now raging in* to be left out; and the words, *from* incerted in the Tenth line of first page after the word *Governour*, be put in the words *from this River*, and in Second line instead of the word, *there*, put *one*, and the following provisoe Added, Provided that this Act shall not Extend or be construed to Extend to prevent the Carrying water wood or other provisions on board of any Boat for the use of the s^d Vessell, so as such Boat shall be Moored at a Considerable Distance from the said Vessell, and that the persons who shall carry such water wood or other provisions shall not go on board the said Vessell, nor on Board of Such Boat. p. 84

Signed p Order John Ross Cl. Up. Ho.

Sent by Col Holland

An Engrossed bill from the lower House by M^r Warfield Entituled An Act for the Assesment of so much Tob^o on the Taxable

U. H. J. Inhabitants of Westminster parish in Ann Arundell County as will build them a new parish Church and purchase two Acres of Land to build the s^d Church on thus Subscribed.

21st July 1731

Read & Assented to by the lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

Read and Assented to by this House & ordered to be So Subscribed, the Paper bill so Endorsed, is Sent to the Lower House by John Rousby Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem.

This House met again According to Adjournment

Present as in the Morning

An Engrossed bill from the lower House by Coll. Ennals Entituled an Act to prevent the Infection and spreading of the Smal Pox from a Vessell belonging to Amos Woodward Merchant thus Subscribed.

p. 85

21st July 1731

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

Read and Assented to by this House and ordered to be so Subscribed, the paper bill so Endorsed is sent to the Lower House by Benjamin Tasker Esq^r

Phillip Lee Esq^r and Coll. Rider are sent to the Lower House to Acquaint the Speaker his Excellency Requires His Attendance with the whole House to see the Act past this Session Entituled An Act to prevent the Infection and Spreading of the small pox from a Vessel belonging to Amos Woodward Merchant receive the Assent.

The whole House Attend and by their Speaker. present to His Excellency the aforementioned Act, w^{ch} was Signed and Assented to on behalfe of the Right Hono^{ble} the Lord Proprietary of this Province and sealed with his Lordships Great Seale at Arms; By his Excellency the Governour.

The Speaker and the whole House withdrew

A Bill from the Lower House by M^r Stoughton and M^r Blackiston Entituled an Act for Reviving an Act for the Tryal of all matters of fact in the Severall Countys where they have arisen or shall arise, The continuance of Causes in the Provincial Court and Adjournment

of that Court with the Supplementary Act thereto, and to Amend U. H. J. some defects in the s^d Acts. Thus Endorsed.

By the lower House of Assembly July 19th 1731

Read the first time and ordered to lye on the Table

Signed p Order W^m Cumming Cl. Lo. Ho.

By the lower House of Assembly July 21st 1731

Read the second time and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table. p. 86

Read the second time the bill Entituled An Act to supply some Defects in a Deed of Bargain & Sale from Audry Taylard late of S^t Marys County widow to Philemon Hemsley and Mary his wife of a Lott or portion of ground lying in Annapolis now in the possession of the Honourable Charles Calvert Esq^r and will pass with the following Amendments Viz. That between the words *Proprietary & and* in the last line but one, be incerted the words, *His heires and Successors*.

Sent to the lower House by Col. Ward.

Adjourned till to Morrow Morning Eight a Clock

Thursday Morning 22^d July 1731

July 22

This House met again According to Adjournment

Present as Yesterday

Read the petition of Charles Beale & Rejected.

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem.

This House met again According to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Eight a Clock

Friday Morning 23rd July 1731

July 23

This House met again According to Adjournment

Present as Yesterday Except Coll. Holland.

Read the petition of William Austen Languishing prisoner in Talbott County Goal, and Recommended to the Consideration of lower House of Assembly.

U. H. J. Sent by Phillip Lee Esq^r

His Excellency the Governour recomends to the Consideration of this House an Act of Assembly formerly made in this Province Entitled an Act for the punishment of certain Offences against the Peace and Safety of this Province.

Ordered that the above mentioned Act be taken into Immediate Consideration.

p. 87 Ordered that Philemon Lloyd Esq^r Coll Matthew Tilghman Ward and Phillip Lee Esq^r prepare a Bill Accordingly.

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again According to Adjournment

Present as in the Morning wth the Addition of Coll. Holland.

A Bill from the lower House by M^r Harris and Eleven more Entitled an Act to make and Emit Thirty Six Thousand pounds Paper Money in bills of Creditt, and for easing the Inhabitants of this Province in the payment of Debts, and to raise a Fund to sink the said bills of Creditt, thus Endorsed.

By the lower House of Assembly 22^d July 1731

Read the first time & ordered to lye on the Table.

Signed p Order W^m Cumming Cl. Lo. Ho.

By the lower House of Assembly 23rd July 1731

Read the second time and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table.

Adjourned till to Morrow Morning Eight a Clock

July 24

Saturday Morning 24th July 1731

This House met again According to Adjournm^t

Present as Yesterday

Read the petition of the Honourable Coll Matthew Tilghman Ward Agent for and in behalfe of the Lord Proprietary and alsoe of Richard Bennett Esq^r in behalfe of himselfe and the other Creditors of Gunder Erickson late of Prince Georges County Deced.

p. 88 The Consideration of the precedent Petition is Deferred till next Session of Assembly ; ordered that Summons Issue for the parties then

to Appear and that the Clerk of this House send them a Copy of the U. H. J. said Petition.

A Bill from the lower House by M^r Hemsly and M^r Chamberlin Entituled a Supplementary Act to an Act Entituled an Act for settling the rates of Foreign Silver Coins within this Province thus Endorsed.

By the Lower House of Assembly 23^d July 1731

Read the first time and ordered to lye on the Table.

Signed p Order W^m Cumming Cl. Lo. Ho.

By the lower House of Assembly 24th July 1731

Read the second time & will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.
Adjourned till two of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again According to Adjournm^t

Present as in the Morning Except Co^l Holland Co^l Tilghman Co^l Ward & Phillip Lee Esq^r

A Bill from the lower House by Major Hanson and M^r Scott Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltemore County Court to Record a Deed of Bargain and Sale from Thomas Gibson to James Kingsbury and to make the same Deed Valid. thus Endorsed.

By the lower House of Assembly 24th July 1731

Read the first and second time by an Especial Order and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first [time] in this House and ordered to lye on the Table. p. 89

An Engrossed bill from the lower House by M^r Beale and M^r Worthington Entituled an Act to Supply some defects in a Deed of Bargain and Sale from Audry Taylard late of S^t Mary's County widow to Philemon Hemsley & Mary his wife of a Lott or portion of ground lying in Annapolis now in the possession of the Hono^{ble} Charles Calvert Esq^r thus Subscribed.

24th July 1731

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

U. H. J. Read and Assented to by this House and ordered to be so Subscribed, The paper bill so Endorsed is Sent to the lower House by John Hall Esq^r

Adjourned till Monday Morning Eight of the Clock.

July 26

Monday Morning 26th July 1731.

This House met again according to Adjournment

Present

The Hono ^{ble}	{	Charles Calvert Esq ^r	Col. M. Tilgh. Ward
		John Hall Esq ^r	John Rousby Esq ^r
		Philemon Lloyd Esq ^r	Benja ^a Tasker Esq ^r
		Col Richard Tilghman	Co ^l John Rider

Members of the Upper House

Read the second time the Bill Entituled an Act to Enable the Clerk of the Provinciall Court or the Clerk of Baltemore County Court to Record a Deed of Bargain and Sale from Thomas Gibson to James Kingsbury and to make the same Deed valid and will Pass.

Sent to the lower House by Coll Rider

A Bill from the lower House by Col. Greenfield and Twelve more Entituled an Act for Ascertainig the form of the Oath of Judge or Justice thus Endorsed

By the lower House of Assembly 24th July 1731

p. 90 Read the first time and ordered to lye on the Table

Signed p Order W^m Cumming Cl. Lo. Ho.

By the Lower House of Assembly 26th July 1731

Read the second time and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Read the first [time] in this House and ordered to Lye on the Table.

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournm^t

Present as in the Morning with the Addition of Col. Holland,

Read the Petition of Charles Slye and Recommended to the Consideration of the Lower House of Assembly.

Sent by Benjamin Tasker Esq^r

A Message from the Lower House by M^r Waughop and M^r Key U. H. J.

By the lower House of Assembly July 26th 1731

May it please Your Honours

Upon Consideration of the Petition of Charles Slye, sent by Benjamin Tasker Esq^r and recommended by your Honours; This House is of Opinion that the said Charles Slye may be of Service to the Country in Instructing the Militia thereof in Military Discipline and of which this House is well Informed he is very Capable, and therefore as an Encouragement and Recompence for such his Service; we propose he be allowed Thirty pounds Sterling p Ann. out of the three shillings p Hogshead raised for Arms and Ammunition in which we desire your Honours Concurrence. And with us to apply p. 91 to His Excellency the Gover^r for his Consent thereto

Signed p Order W^m Cumming Cl. Lo. Ho.

A Bill from the lower House by M^r Elliott & M^r Hemsley Entituled an Act to Record a Deed of Bargain and Sale from James Gould & Elizabeth his wife to W^m Scott and Sarah his wife thus Endorsed

By the lower House of Assembly 26th July 1731

Read the first and second time by an Especial Order and will Pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

A Bill from the lower House by Col Belt & M^r Tolly Entituled an Act for Regulating of Ordinarys and for the better Regulating Ordinary Keepers & Innholders within this Province for the future thus Endorsed.

By the lower House of Assembly 23^d July 1731.

Read the first time and ordered to lye on the Table.

Signed p Order W^m Cumming Cl. Lo. Ho.

By the lower House of Assembly 26th July 1731

Read the second time and will pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

A Bill from the lower House by Major King & M^r Augst Thompson Entituled an Act to remedy Defective probates of Accounts & giving further time for proving Accounts thus Endorsed.

By the lower House of Assembly 24th July 1731

Read the first time & ordered to lye on the Table.

Signed p Order W^m Cumming Cl. Lo. Ho.

U. H. J. By the lower House of Assembly 26th July 1731.

p. 92 Read the second time and will Pass.

Signed p Order W^m Cumming Cl. Lo. Ho.

Adjourned till to morrow Morning Eight a Clock.

July 27

Tuesday Morning 27th July 1731

This House met again According to Adjournm^t

Present as Yesterday

His Excellency the Governour Lays before this House a Petition of M^r Amos Woodward Merchant Together with a Deposition of John West Master & Edward Lloyd Mate of the Snow Charming Molly; which were sent to the lower House with the following Message by John Rousby Esq^r

By the Upper House of Assembly 27th July 1731.

Gentlemen.

His Excellency having laid before this House a petition of M^r Amos Woodward of the City of Annapolis Together with a Deposition of John West Master & Edward Lloyd Mate of the Snow Charming Molly for Our Consideration which petition and Deposition we herewith send you; And this House being Enduced to beleive that the Danger from the s^d Vessells unloading her Cargoe is not what it was at first Apprehended desire your House will Joyne with us in Requesting the Governour to Licence the Master to Deliver the Lading of the said Vessell.

Signed p Order John Ross Cl. Up. Ho.

Read the first time the bill Entituled an Act for Regulating of Ordinarys & for the better regulating of Ordinary keepers & Innholders within this Province for the future and Ordered to lye on the Table.

Read the first time the Bill Entituled an Act to Record a Deed of Bargain and Sale from James Gould & Elizabeth his wife to William Scott and Sarah his wife and Ordered to lye on the Table.

p. 93 Read the first time the bill Entituled an Act To remedy Defective probates of Accounts and giving further time for proving accounts and Ordered to Lye on the Table.

A Message from the lower House by Col. Greenfield and M^r Beale.

By the lower House of Assembly 27th July 1731

May it please Yo^r Honours.

We have considered the petition of M^r Amos Woodward to his Excellency the Governour, the Deposition of the Master and Mate of the Charming Molly, and your Message by John Rousby Esq^r and

altho the People on board the said Vessell have not the small pox U. H. J. in the manner it was at first represented Yet we Apprehend that the landing of the Cargoe & the Crews Roving about the Towne (as they certainly will if permitted to come on Shoar) will very probably infect Annapolis; and thence the greatest part of, if not the whole Province, We are really Sorry that M^r Woodward or any other person whatsoever should suffer by the Measures taken to prevent the spreading & Infection of the small Pox, but as the Common Safety (which must always be preferred to any private Interest) requires the Continuance of those Measures in part at least We cannot in Justice to Our Country Joyn in requesting the Governour to grant a Licence to land the Cargoe in Annapolis, nor to Suffer any of the Crew to come on Shoar, but if M^r Woodward will imploy People who have had the Small Pox to bring the Salt from the Vessells side, where the Crew may put it into Flatts, and land it in any other place than Annapolis, taking special care that none of the Vessells Crew come on Shoar nor any that shall be imployed in fetching the Salt go on board the Vessell; This House will Joyn with Your Honours in requesting His Excellency to grant a Licence for that purpose, or Concur with your Honours in any other Expedient, w^{ch} may not be dangerous to Peoples Health and Lives, to prevent M^r Woodward being a looser.

We cannot omit this Occasion of Acquainting Your Honours that the Master of the said Vessell has Behaved himselfe in a very Insolent manner since the publication of the Act past to prevent the Spreading & Infection of the Small pox openly Violating that Act in not removing his Vessell out of this River pursuant to the Directions thereof, & Daily coming in his Boat to the Shoar side and making Enter-tainments & thereby Evading the Act. P. 94

Signed p Order W^m Cumming Cl. Lo. Ho.

Adjourned till Two of the Clock in the afternoon.

Eodem Die Post Meridiem.

This House met again According to Adjournment

Present as in the Morning with the Addition of Phillip Lee Esq^r

Read the Petition of Col John Rider and Recommended to the Consideration of the lower House of Assembly.

Sent by Coll Tilghman.

The following Message being prepared is Sent to the lower House by John Rousby Esq^r

By the Upper House of Assembly 27th July 1731

Gentlemen

In Answer to your Message of yesterday by M^r Waughop and M^r Key this House cannot Consent to the allowance you propose out of

U. H. J. the fund of three pence ꝑ hogshead Appropriated for Arms & Since Applied Conditionally to another use; but as we concur with you in the Usefulness of such an Officer to regulate the Militia by teaching them the Art of Military Discipline so we conceive an allowance in the publick of Twelve or fifteen Thousand pounds of Tobacco ꝑ ann. to be made M^r Slye will be a very small burden on the Inhabitants, and therefore recommend the s^d allowance to your House.

Signed ꝑ Order John Ross Cl. Up. Ho.

A Message from the lower House by M^r Stoughton and M^r Turbut.

p. 95 By the Lower House of Assembly July 27th 1731

May it please Your Honours.

In Answer to your Message this Day by John Rousby Esq^r when we proposed and desired that M^r Slye should be allowed thirty pounds Sterling ꝑ Ann out of the three pence ꝑ Hogshead Appropriated for Arms, We believed there would be Sufficient of that money to make up the Equivalent to the Lord Proprietary & to supply the Country with Arms and Ammunition and we know if any Deficiency should happen the Country must make up such Deficiency; and therefore thought that so much as Thirty pounds Sterling ꝑ ann of the Overplus of that Money might be applied as we proposed in our Message without Detriment to the Country; And therefore we desired your Honours to Agree to an allowance of That Sum^e to M^r Slye; which since your Honours have not thought fitt to Agree to, and that the Assessment of any quantity of Tobacco as your Honours propose will be an Immediate Addition to the publick Charge of the Province. We cannot agree to it.

Signed ꝑ Order W^m Cumming Cl. Lo. Ho.

The following Message being prepared is sent to the lower House by Coll. Tilghman

By the Upper House of Assembly 27th July 1731

Gentlemen.

In answer to your Message of this day by Co^l Greenfield & M^r Beale relating to M^r Woodward's Affair We cannot but think his case very particular since we have reason to believe the Malignancy of that Distemper would by this time have shewed it selfe, if to any Degree on Board, We therefore again recommend to your Consideration the case of the said Woodward in such manner as to Joyn with us in requesting the Governour that s^d Woodward may be Licenced to
p. 96 put on Shoar his Salt in his ware House at Annapolis with such pre-

cautions as May be most Necessary to hinder any Danger that may U. H. J. Arise therefrom.

Signed p Order John Ross Cl. Up. Ho.

A Message from the lower House by Cap^t Gordon and M^r Knight.

By the Lower House of Assembly July 27th 1731

May it please Your Honours.

We cannot agree to Joyn with Your Honours in requesting His Excellency the Governour to Licence M^r Woodward to land his Salt from on Board the Charming Molly upon any other termes than those proposed in Our former Message.

Signed p Order W^m Cumming Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight a Clock

Wednesday Morning 28th July 1731.

July 28

This House met again According to Adjournment.

Present as Yesterday

The following Message being prepared is Sent to the lower House by John Hall Esq^r

By the Upper House of Assembly 28th July 1731.

Gentlemen.

The Commissioners Appointed to receive runaway Slaves taken up beyound Monococy, & pay the takers up of such Slaves the Sumē of five pounds Current Money directed by Act of Assembly, being gone off with what money has been advanced for that purpose And Whereas Flayl Pain an Inhabitant of those parts hath now brought a runaway Slave from beyond Monococy, We propose that the s^d Person be immediately paid out of the publick Stock the sumē of five pounds Current Money, and also that a further Sume be ordered into such Commissioners hands as shall hereafter be Appointed for the purposes in the said Act mentioned

Signed p Order John Ross Cl Up. Ho.

A Message from the lower House by M^r King and M^r Robins.

p. 97

By the lower House of Assembly July 28th 1731.

May it please Yo^r Honours

We agree with your Honours that Flayl Pain should immediately receive the reward due by Law for takeing up the Negroe mentioned in your Message and to that end have Ordered James Holladay Esq^r

U. H. J. Treasurer of the Eastern Shoar forthwith to pay it, And Concur with your Honours that it is proper a sume of Money be lodged in the hands of a fit person to prevent any trouble to those who shall bring in runaway Slaves taken up in the back woods.

Signed ꝑ Order W^m Cumming Cl. Lo. Ho.

Read the first time a bill prepared in this House Entituled an Act for the better securing of the Government of this Province and ordered to lye on the Table.

A Bill from the lower House by M^r Magruder and Col Belt Entituled an Act for laying out the Town a New called Marlborough Town in Prince Georges County and for Ascertainig the bounds thereof thus Endorsed.

By the lower House of Assembly 27th July 1731

Read the first time & Ordered to lye on the Table.

Signed ꝑ Order W^m Cumming Cl. Lo. Ho.

By the lower House of Assembly 28th July 1731

Read the Second time and will pass.

Signed ꝑ Order W^m Cumming Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table
Adjourned till two of the Clock in the Afternoon.

p. 98

Eodem Die Post Meridiem

This House met again According to Adjournm^t

Present as in the Morning

Read the Second time by an Especial Order the Bill Entituled An Act for the better securing of the Government of this Province and will Pass.

Carried to the Lower House by the Honourable Charles Calvert Esq^r Attended by all the Members of this House.

Read the Petition of the Churchwardens & Vestrymen of S^t Pauls parish in Baltemore County and Referred to the Consideration of the lower House of Assembly,

Sent by Coll Holland.

Col. Greenfield and Twenty four more from the lower House brought the bill Entituled An Act for the better Securing of the Government of this Province thus Endorsed

By the lower House of Assembly 28th July 1731.

Read the first & Second time & will not pass.

Signed ꝑ Order W^m Cumming Cl. Lo. Ho.

Read the second time the bill Entituled an Act for Reviving an U. H. J. Act for the Tryal of all matters of fact in the Severall Counties where they have Arisen or shall Arise, the continuance of causes in the Provincial Court and Adjournment of that Court with the Supplementary Act thereto: and will not pass Sent to the lower House by Col. Rider

Read the Second time the bill Entituled an Act Ascertainig the form of the Oath of Judge or Justice and will not pass.

Sent to the lower House by Philip Lee Esq^r

Adjourned till to Morrow Morning Eight of the Clock.

Thursday Morning 29th July 1731

July 29
p. 99

This House met again According to Adjournm^t

Present as Yesterday

A Bill from the lower House by M^r Crabb and M^r Samuel Hanson Entituled an Act Declaring what shall be Esteemed Residents in this Province, thus Endorsed.

By the lower House of Assembly 27th July 1731

Read the first time & ordered to lye on the Table

Signed p Order W^m Cumming Cl. Lo. Ho.

By the lower House of Assembly 29th July 1731

Read the second time and will pass.

Signed p Order W^m Cumming Cl. lo. Ho.

Read the first time in this House & ordered to lye on the Table.

John Hall Esq^r a Member of this House represents to this House that a Certain Michael Taylor of Prince Georges County used him in a very opprobrious & indecent manner; Ordered that Nicholas Mac-cubbin be Appointed Serjeant att Arms Attending this House and that Sumons Issue directed to him to bring the body of Michael Taylor before this House, to Answer to what shall be Objected against him.

Read the second time the bill Entituled an Act to Record a Deed of Bargaine and Sale from James Gould & Elizabeth his wife to William Scott and Sarah his wife and will pass.

Sent to the lower House by Benjamin Tasker Esq^r

A Message from the Lower House with the Assize Bill by Co^l Greenfield and Twelve more.

By the lower House of Assembly 29th July 1731.

May it please Yo^r Honours.

We conceive the Assize Law to have been found so very Service-able to the People we represent that we cannot Omit pressing Your

U. H. J. Honours to pass the Bill For reviving it, Since it will be an Insupportable burthen to the People in remote County's to Attend the Provincial Court (which must now be very long by the Encrease of Business) until they can have an Opportunity to raise money to defray their Expences at Annapolis which by the Scarcity of that Commodity at present in the Province is rendered very Difficult We have therefore sent you the Bill again and Desire You'l please to pass it.

Signed 7^p Order W^m Cumming Cl. Lo. Ho.

Read the second time the bill to make & Emit Thirty Six Thousand pounds Paper money in bills of Credit and for Easing the Inhabitants of this Province in the payment of Debts and to raise a fund to Sink the said Bills of Credit, and will not pass.

Sent to the Lower House by Philemon Lloyd Esq^r and three more.
Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment
Present as in the Morning

A Message from the lower House with the bill for Ascertaining the form of the Oath of Judge or Justice.

By Col Greenfield & Twenty four others.

By the lower House of Assembly 29th July 1731

May it please Yo^r Honours.

Your Honours having been pleased to reject the bill past in this House for Ascertaining the form of the Oath of Judge or Justice without Assigning any particular reason for so doing, or proposing any Amendment to the Bill, We desire your Honours to Consider the Necessity of Judges being under the Tye of an Oath to Administer Justice Equally & Impartially to all his Majesties Subjects, According to Law, the very Dangerous Consequence of their being at Liberty to Determine Controversies concerning the Lives Liberties and propertys of the People; only according to the best of their Skill and Cunning without Reference to any Law as the Rule of their Decisions; and that the Legislature is the only sufficient Authority that can Legally Establish Oaths of Office; and either pass the bill prepared by this House or propose some other form of an Oath, which may Conduce to Secure the Subject the benefitt of the Laws he is by his Birthright intituled unto.

Signed 7^p Order W^m Cumming Cl. Lo. Ho.

An Engrossed bill from the lower House by M^r Turbut and M^r Hemsley Entituled an Act to Record a Deed of Bargain & Sale

from James Gould and Elizabeth his wife to William Scott and Sarah U. H. J. his wife, thus Subscribed

29th July 1731.

Read & Assented to by the lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

Read and Assented to by this House & ordered to be so Subscribed, The paper bill so Endorsed, is sent to the Lower House by John Rousby Esq^r

An Engrossed bill from the lower House by Col. Fendall and M^r Hanson Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargaine & Sale from Thomas Gibson to James Kingsbury and to make the same Deed Valid thus Subscribed.

29th July 1731

Read & Assented to by the lower House of Assembly

Signed p Order W^m Cumming Cl. Lo. Ho.

Read & Assented to by this House and ordered to be so Subscribed. The Paper Bill so Endorsed, is Sent to the lower House by Col. Ward.

Philip Lee Esq^r and Col. John Rider are Sent to the Lower House p. 102 to Acquaint the Speaker and the whole House that His Excellency requires their Attendance in the Upper House to see the Laws past this Session: Receive the Assent.

The whole House Attend and by their Speaker present to His Excellency the following Laws.

The Act Entituled an Act to prevent the Infection & spreading Chap. VIII of the Smal Pox from a Vessell belonging to Amos Woodward Merchant being Signed & Assented to before, was Signed and Assented to on behalfe of the Right Honourable the Lord Proprietary of this Province by his Excellency the Governour and sealed with his Lordships Great Seale at Arms.

The Titles of which Laws are as follows Viz.

N^o 1. An Act Impowering the Justices of Calvert County to Levy Chap. I on the Taxable persons of that County any Sume of Tobacco not Exceeding Ten Thousand pounds of Tobacco to pay for the finishing the Court House of the said County.

N^o 2. An Act for the Continuance of Process in Baltimore " II County Court.

N^o 3. An Act to Encourage the makeing of Linnen Cloths within " III this Province of Flax or Hemp of the Growth thereof.

- U. H. J. N^o 4. An Act for the Assessment of so much Tobacco on the
 Chap. IV Taxable Inhabitants of Westminster Parish in Ann Arundell County
 as will Build them a New Parish Church and purchase two Acres of
 Land to build the said Church on.
- “ V N^o 5. An Act to Supply some defects in a Deed of Bargaine &
 Sale from Audry Taylard late of St. Marys County widow to Phile-
 mon Hemsley and Mary his wife of a Lott or portion of ground
 lying in Annapolis now in the possession of the Honourable Charles
 Calvert Esq^r
- “ VI N^o 6 An Act to Record and make Valid a Deed of Bargain and
 p. 103 Sale from James Gould and Elizabeth his wife to William Scott and
 Sarah his wife.
- “ VII N^o 7. An Act to Enable the Clerk of the Provincial Court or the
 Clerk of Baltemore Court to Record a Deed of Bargaine and Sale
 from Thomas Gibson to James Kingsbury and to make the same Deed
 Valid

His Excellency is pleased (with the advice of his Lordships Coun-
 cill) to Prorogue this Assembly to the Nineteenth day of August
 next.

Thus endeth the fourth Session of the Generall Assembly of this
 Province begun and held at the City of Annapolis the Thirteenth day
 of July 1731, and Ending the Twenty Nineth day of the same Month
 in the fifth year of the Reigne of Our Sovereigne Lord George the
 second and in the Seventeenth Year of His Lordships Dominion.

Jn^o Ross Cl.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

Maryland ss.

At a Session of Assembly by Prorogation from the Sixteenth day of June Anno Domini One thousand Seven hundred & thirty. Begun and held at the City of Annapolis on Tuesday the thirteenth day of July Anno Dom. one thousand seven hundred & thirty one in the Seventeenth year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Barron of Baltemore &c. On which said thirteenth Day of July Assembled in the Lower House of Assembly (His Excellency Benedict Leonard Calvert Esq^r being Governour) The Several Members following Viz.

L. H. J.
No. 45
p. 287
July 13
[An un-
bound origi-
nal MS. of
these Pro-
ceedings in
bad condi-
tion is in the
Archives]

The Honourable Coll^o John Mackall Speaker.

For St Marys County

Phillip Key Esq^r

For Kent Co.

M^r George Willson

For Ann Arundel County

John Beale Esq^r

Daniel Dulany Esq^r

M^r Rich^d Warfeild

M^r Thomas Worthington

For Calvert County

M^r Walter Smith

Maj^r Adderton Skinner

For Charles County

Maj^r Robert Hanson

Coll^o John Fendall

M^r John Courts

M^r Samuel Hanson

For Somerset County

Coll. Levin Gale

Maj^r Robert King

William Stoughton Esq^r

M^r George Dashiell

For Dorchester County

M^r John Brannock

M^r Peter Taylor

M^r John Kirk

Coll^o William Ennalls

For Baltemore County

M^r Thomas Tolley

M^r William Hamilton

For the City of Annapolis

Cap^t Robert Gordon

Edmund Jennings

For Cecil County

Col. Ephr^m Augustine Herman

M^r Stephen Knight

M^r Joshua George

For Prince Georges County

M^r John Magruder

M^r Ralph Crabb

Coll^o Joseph Belt

Capⁿ Edward Sprigg

L. H. J. For Talbot County

James Hollyday Esq^r
 M^r George Robins
 M^r Sam^l Chamberlain
 M^r John Edmundson

For Queen Anns County

M^r Augustine Thompson
 Maj^r William Turbutt
 M^r William Hemsley.

p. 288 John Beale Esq^r and Daniel Dulany Esq^r are Sent to the Upper House to Acquaint His Excellency the Governour that a Sufficient number of Members are met in the Stadt house to make a house. They return and say they Delivered their Message Coll^o Richard Tilghman from the Upper House Acquaints M^r Speaker that his Excellency the Governour Commands him and the Other Members of this House Immediately to Attend him in the Upper house & then Withdrew

M^r Speaker left the Chair and with the rest of the Members of this House went to Attend his Excellency the Governour in the Upper House who was Pleased to make the following Speech. [The text of this speech is printed at page 190.]

p. 289 The M^r Speaker and the rest of the Members returned from the Upper House and M^r Speaker reassumed the Chair and Acquainted the House that his Excellency the Governour had Delivered him his Lordships Answer to the late Address of both Houses of Assembly to be laid before this House and following in these words. [The text of this answer is printed at page 190.]

M^r Speaker Delivers to the House a Letter from Michael Macnemara Gent. late Clerk of this House (who since last Sessions of Assembly Went for Great Britain) and another from William Cumming Gent. which were both Ordered to be read.

Octob^r the 14th 1730

Sirs.

Affairs of the greatest Moment call me here to England.

As I have had the Honour to be Chosen and Appointed Clerk of the Lower House of Assembly and I hope given some Satisfaction in that Office, I request your Honours in regard my very Pressing Affairs impede my Attendance on the Honourable Lower House of Assembly that Accidents may not Lessen me in your Esteem and that your Honours will permitt some Person to Act for me as Deputy for me, It is a Place I Earnestly Covet and shall daily whilst I have your Commands Endeavour more and more to Merit them.

M^r Cumming hath Promised to Officiate for me if your Honours Approve of him

I am your Hon^{rs} most Obedient humble Servant

M. Macnemara

Directed thus, To the Honble the Members of the Lower house of L. H. J.
Assembly p. 290

July the 12th 1731

Gentlemen.

Some days before M^r Macnemara left the Province I promised him that in Case an Assembly should be Called during his Absence that if the Honourable Lower House of Assembly would Allow me, I would Act as Clerk of that house in favour of him.

Which promise I am willing and ready to perform and now in favour of said Macnemara I humbly offer my Service to your Honours Promising if you'll Please to Accept of me as a Person Qualified for that Office faithfully & honestly to serve your Honours therein According to the best of my skill and Knowledge.

I am your honours most Obedient humble Servant

William Cumming

Directed thus, To the Honourable the Members of the Lower house of Assembly. These

Thereupon the House make Choice of the Af^d William Cumming as their Clerk in the Room of the said Michael Macnemara during this Session of Assembly And humbly Prays his Excellency's Approbation of him, And that he may be qualified by taking the Usual Oaths.

Ordered that Daniel Dulany Esq^r Acquaint the Governour therewith, Who returned and said he Delivered his Message and that the said Cumming was approved of and Qualified before the Governour in the Upper House by taking the Several Oaths to the Government And the Usual Oath of Clerk which follows in these words Viz.

You William Cumming, do Swear that as Clerk of the Lower House of Assembly you shall true Entries make of all such Matters and things as by the Honourable Speaker and that House shall be to you Directed, the Secrets of the said House you shall not Divulge to the Prejudice of the House or any Member thereof but shall in all things as Clerk of the said House well and truly Demean yourself according to the best of your Knowledge. So help you God.

It is Resolved by this House that the time of Sitting for the Dispatch of the Publick Business during this Session of Assembly be from Eight in the forenoon untill Twelve And from two in the Afternoon untill Six.

The House Adjourns untill to Morrow Morning Eight of the Clock.

Wednesday July the 14th 1731.

July 14

The House met according to Adjournment. The Members were Called and all Present as Yesterday together likewise with Captⁿ

L. H. J. Ebenezer Blackiston & James Harris Esq^r The proceedings of yesterday were read

The Committees

	James Harris Esq ^r	Dan ^l Dulany Esq ^r	} Of the Committee of Laws.
	M ^r Joshua George	Edmund Jennings Esq ^r	
	M ^r Phillip Key	M ^r John Magruder	
p. 291	John Beale Esq ^r	M ^r Sam ^l Chamberlain	} of Accounts
	M ^r Thomas Worthington	M ^r William Turbutt	
	James Hollyday Esq ^r		
	M ^r Richard Warfeild	M ^r Roger Mathews	} Of Aggreivances and Courts of Justice
	Coll ^o Joseph Belt	M ^r John Magruder &	
	John Beale Esq ^r	Maj ^r William Hamilton	
	Coll ^o John Fendall		

The Above Gentlemen are Appointed to be of the Respective Committees above Mentioned

M^r Richard Warfeild is Ordered to Acquaint the Reverend M^r John Humphreys that he is desired to read prayers as Usual during this Session of Assembly, Who return[s] and Say[s] he Delivered his Message.

The Committee of Laws were Ordered to prepare an Answer to the Gov^{rs} Speech.

The House Agree to Allow the Reverend M^r John Humpherys Ten pounds Current Money for reading Prayers during the Sitting of this Assembly this Year, to be paid by the Treasurer of the Western Shore.

The following Message [The text of this message is printed at page 191.]

Which was sent to the Upper House by M^r George Dashiel & M^r Augustin Thompson Who return and acquaint M^r Speaker they Delivered the same.

Coll^o John Rider from the Upper House Delivers to M^r Speaker the following Message [The text of this message is printed at page 192.]

M^r Dulany from the Committee of Laws brings in an Answer to the Governour's Speech and read the same in his Place and Afterwards Delivered it in at the Table And Afterwards the same was read & Approved of and Ordered to be Engrossed.

The House Adjourns till two of the Clock in the Afternoon

Post Meridiem.

The House met according to Adjournment.

p. 292 M^r Phillip Kennard this Day makes his Appearance in the House.

Mr Dulany from the Committee of Laws brings in the Address in L. H. J. Answer to the Governours Speech, Engrossed which being read is Approved of and is in the words following.

To His Excellency Benedict Leonard Calvert Gov^r of Maryland.

The Humble Address of the Lower House of Assembly

May it Please your Excellency.

We his Majestys most Dutiful and Loyal Subjects the Representatives of the freemen of Maryland in Assembly Convened, return your Excellency our Unfeigned thanks for your kind Speech at the Opening of this Session

We are truly Sorry that your want of health should Oblige you to Leave the Province and we very Sincerely hope for a full recovery and Long Continuance of it, as being in Justice & Gratitude Obliged to wish all felicity & to have the Greatest Affection for a Governour who has by his Actions Demonstrated the Sincerity of his professions as you have Allway done, And who in so Obliging a Manner as you have been Pleased to Express yourself in, has Given us fresh Assurances of having the Welfare of our Count[r]y very much at heart.

We Concur in Opinion with your Excellency that the use as well as Credit of Laws principally depend on the Carefull Penning of them; And we are Determined to use our Utmost Endeavours to Render such Laws as shall be Past as plain and Intelligible as may be; to the End, that those who are to Govern themselves by them may know how to behave themselves and be without Excuse should they Transgress.

We also take into Consideration the Laws Particularly recommended to us by your Excellency and Endeavours so to Explain them, as to remove the Doubts & objections to which they may now be Liable.

We are Obliged to your Excellency for recommending in so handsome a Manner as you have, Calmness & Moderation, which are so Very Necessary to bring our Consultations to an happy Issue & Crown our Endeavours to serve our Country with Success, And we hope to prove by our Conduct that your Excellency's Recommendation has the weight with us that it Deserves, and that we are not Actuated by any selfish or Private Views.

We Acknowledge with the Deepest Sense of Gratitude, the kind & Generous Assurances you have been Pleased to give us, that your Excellencys best Endeavours shall not be wanting in England, upon any occasion, wherein you may be Serviceable to the people of Maryland & as you have resided Several Years Among us, so you are very Sensible of the sad Circumstances of our Country and how much it stands in need of all the Assistance and friendly Offices we can hope for; And we trust that your Excellency will Contribute your

L. H. J. Endeavours, to remove the Heavy Pressures under which it at Present Groans; wherein we are Obliged in Duty as well as Engaged by your Inclinations to give you all the Assistance in our Power.

Signed by Order of the House ꝓ John Mackall, Speaker

p. 293 July 14th 1731.

M^r Robert Gordon and M^r Joshua George are Ordered to Acquaint the Governour this House hath prepared an Address to him, And Desire to know when and where he will receive the same, They return and Acquaint M^r Speaker that they Delivered their Message And that the Governour made them Answer that he would be ready to receive the same at his House in half an hours time

A Motion was made by a Member of this House that the Votes & Resolves of this Session be Printed and the Printer Allowed for the same as Usual, It was Resolved in the Negative.

A Motion was made by a Member of this house that a Bill be brought in to Enable the Justices of Calvert County to Assess a Quantity of Tobacco on the Taxable Inhabitants of the said County, not exceeding ten thousand pounds of Tobacco to be Applyed to pay for the Painting the Court house of the said County.

The Petition of the Vestrymen Church Wardens & Parishioners of Westminster Parish in Ann Arundell County to the Governour and the Upper & Lower Houses of Assembly (Sent down here from the Upper house) praying leave to Bring in a bill to Enable them to build a New Church and Purchase two Acres of Land just where an old School House stood where on Patrick Ogilvie formerly kept school to build a Church on & to Enable the Justices of Ann Arundell County to Assess yearly on the Taxable persons of said Parish so much Tobacco as will be Sufficient to purchase the said two Acres of Land and build the said Church was read & leave given to bring in a bill as prayed.

The Petition of the Mayor Recorder and Alderman of the City of Annapolis referred from last Session of Assembly praying leave to bring in a bill to Empower them to make By Laws &c Read & leave given to bring in a Bill as prayed.

A Member of this House having Acquainted the House that the Small Pox has raged in Joppa in Baltemore County where the Court for that County is Held that by reason thereof the last June Court did not Proceed to Business that, that Distemper Still rages in the Neighbourhood of the said place that the said County Court is Appointed by Law to Sit the first Tuesday in August next by which time there is but very Little probability to hope that that Dangerous Destemper will be so far Abated as to render it Safe for a Great Number of People to meet together And that Several Members

of this house are Magistrates of the said County and other Members L. H. J. Practitioners in the said Court whose Attendance in this House will not permit them to Attend the said Court, And moved that a Bill be brought in to Continue the said Process in the said County till next November Court.

Ordered that a Bill be brought in Accordingly.

Daniel Dulany Esq^r and Twelve other Members are ordered to Deliver the Address to his Excellency,

They return and Acquaint M^r Speaker that they Delivered the same

The Question was put whether a bill be brought in for a paper p. 294 Currency, Carried in the Affirmative.

Ordered that the Act for the Tryal of all Matters of fact in the County Courts be revived and revised this Assembly.

The House Adjourns till to Morrow Morning Eight a Clock.

Thursday July 15th 1731

July 15

The House met according to Adjournment, The Members were Called and all Present as Yesterday, The proceedings of yesterday were read.

A Motion being made by a Member of this House to bring in a Bill to Allow a Bounty for making Linen within this Province of flax or Hemp of the Growth thereof, A Bill ordered to be brought in Accordingly.

M^r Speaker Delivers to this House his Excellency's the Governour's Answer to the Address of this House of Yesterday which follows in these words.

Gentlemen.

I return you my Sincere thanks for your kind Address; And, by my Zeal for your Prosperity, I shall Endeavour to make you the best returns I may be Able, for so much good Nature & Affection as you have therein Expressed.

Bened^t Leon^d Calvert.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the following Petitions

The Petition of William Nimmo thus Endorst,

By the Upper House of Assembly 15th July 1731.

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

L. H. J. The Petition of Thomas Taylor thus Endorst,

By the Upper house of Assembly 15th July 1731.

Read and referred to the Consideration of the Lower house of Assembly.

Signed p Order. J^{no} Ross Cl. Up. Ho.

The Petition of Robert Linch thus Endorst,

By the Upper House of Assembly 15th July 1731.

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order. Jⁿ Ross Cl Up. Ho.

The House Adjourns till Two of the Clock in the Afternoon

Thursday at Two of the Clock in the Afternoon.

The House met according to Adjournment.

The Members were Called & all Present as in the Morning. M^r Daniel Scott a Member of this House Appears this Afternoon.

The Petition of William Nimmo was read & Granted. The Petition of Thomas Taylor was read & Granted The Petition of Robert Linch was read & Rejected

p. 295 The following Message being read & Approved of [The text of this message is printed at page 194.] Sent to the Upper House by James Harris Esq^r and M^r Samuel Hanson, who return and Say they Delivered the same.

A Motion was made by a Member of this House whether leave shall be Given to bring in a Bill for regulation of Ordinary keepers, The Question being put it was Carried in the Affirmative.

M^r George from the Committee of Laws brings in a bill Empowering the Justices of Calvert County to Levy on the Taxable persons of that County any sum of Tobacco not Exceeding Ten thousand pounds of Tobacco to pay for finishing the Court House of the said County which was read the first and Second time by an Especial Order & will pass. Signed p order W^m Cumming Cl. Lo. Ho.

Sent to the Upper House by M^r Walter Smith & Maj^r Adderton Skinner, They return & say they Delivered the same.

Mathew Tilghman Ward Esq^r from the Upper House Delivers M^r Speaker the following Message. [The text of this message is printed at page 194.]

The House Adjourns till to Morrow Morning Eight of the Clock

Friday July the 16th 1731.

L. H. J.

The House met according to Adjournment, The Members were Called and all present as yesterday, The proceedings of Yesterday were read

M^r Roger Mathews a Member returned for Baltemore County made his Appearance this day in the House

M^r Dulany from the Committee of Laws brings in a bill for the Continuance of Process in Baltemore County which was read the first and second time by an Especial Order & will pass.

Sent to the Upper House by M^r Roger Mathews and M^r William Hamilton, who return and acquaint M^r Speaker that they Delivered the same.

Coll^o Richard Tilghman from the Upper House Delivers M^r Speaker the following Petitions.

The Petition of Joseph Beckett thus Endorst,

p. 296

By the Upper House of Assembly 16th July 1731.

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order Jn^o Ross Cl. Up. Ho.

The Petition of Richard Simpson thus Endorst,

By the Upper house of Assembly 16th July 1731

Read & referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

Petition from the [Visitors of the free School] of Cecil County thus Endorst,

By the Upper house of Assembly 16th July 1731

Read & referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

The Petition of the Inhabitants of Upper Marlborough in Prince Georges County thus Endorst,

By the Upper House of Assembly 16th July 1731.

Read & referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

L. H. J. The Petition of George Clagett to the General Assembly thus Endorst,

By the Upper House of Assembly 16th July 1731

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Jn^o Ross Cl. Up. Ho.

The Humble Petition of William Robinson to the Upper and Lower Houses of Assembly thus Endorst.

By the Upper House of Assembly 16th July 1731

Read & referred to the Consideration of the Lower House of Assembly

Signed p order Jn^o Ross Cl. Up. Ho.

The Question being put whether a Certain Quantity of Tobacco shall be Allowed in Each County for the Encouraging the making of Linen Cloath in this Province or whether there shall be an Assessment p poll on the Taxable Inhabitants thereof.

Resolved that a Certain Quantity be Allowed and that the Quantity be two thousand four hundred pounds of Tobacco in Each County.

Ordered that it be an Instruction to the Committee in Drawing a bill that for the best Piece of twenty yards of Yard wide Linen One thousand Pounds of Tobacco be allowed, for the second piece in Quality of the same Length and breath Eight hundred pounds of Tobacco, And for the third Piece in Quality of the same Length and breath Six hundred Pounds of Tobacco and that Special regard be had to the Whiteness of the Linnen as well as the fineness and Evenness of the thread.

The Petition of George Clagett read & Granted

The Petition of the Visitors of Cecil County School read & Rejected.

The Petition of the Inhabitants of Upper Marlborough in Prince Georges County being read was thus Endorst,

By the [Lower] House of Assembly 16th July 1731.

Read and Ordered that the Parties Concerned have Notice to be here next Wednesday by Two a Clock in the Afternoon.

Signed p Order. W^m Cumming Cl. Lo. Ho.

The House Adjourns till two of the Clock in the Afternoon.

The Petition of William Robinson read & Granted

L. H. J.

Ordered that no Petition be received in this House after Tuesday.

Coll^o William Holland from the Upper House Delivers M^r Speaker the following Petitions.

The Petition of Daniel Bateman,

By the Upper House of Assembly 16th July 1731.

Read & referred to the Consideration of the Lower house of Assembly.

Signed p order Jn^o Ross Cl. Up. Ho.

Was referred untill Munday

The Petition of William Burston,

By the Upper House of Assembly 16th July 1731

Read & referred to the Consideration of the Lower House of Assembly.

Signed p Order Jn^o Ross Cl Up Ho.

Which last Petitions was read & Granted.

Coll^o John Rider from the Upper House Delivers M^r Speaker the Petition of Charles Calvert Esq^r Indorsed thus,

By the Upper House of Assembly 16th July 1731.

Read and recommended to the Consideration of the Lower House of Assembly.

Signed p Order Jn^o Ross. Cl. Up. Ho.

Which was read & Granted.

M^r Dulany from the Committee of Laws brings in a Bill for Encouraging the making of Linnen Cloath within this Province of flax or Hemp of the Growth thereof,

Read the first time and Committed for Amendment.

The House Adjourns till to Morrow Morning Eight a Clock.

Saturday July the 17th 1731.

July 17

The House met according to Adjournment, The Members were Called & all Present as Yesterday, The proceedings of Yesterday were read.

The Bill for the Encouragement of the making of Linen Cloath within this Province of flax or Hemp of the Growth thereof. Read the second time with the Amendment and will Pass. Signed p Order W^m Cumming Cl. Lo. Ho.

L. H. J. Sent to the Upper House by M^r John Magruder & Capⁿ Edward Sprigg, Who return & say they Delivered the Same.

The Petition of Kennith Mackenny referred from the last Session of Assembly this day read & Rejected.

A motion being made that a bill be brought in to prevent the Clandestine running of Trashy Tobacco from Virginia and to Distroy Trashy Tobacco in Maryland

The Question was put whether a bill shall be brought in to prevent the Importation of Trashy Tobacco from Virginia into this Province and to Distroy Trashy Tobacco in Maryland Carried in the Affirmative.

p. 298 Phillip Lee Esq^r from the Upper House Delivers M^r Speaker the Bill Empowering The Justices of Calvert County to Levy on the Taxable persons of that County any Sum of Tobacco not Exceeding Ten thousand Pounds of Tobacco to pay for the finishing the Court House of the County thus Endorst,

By the Upper House of Assembly 16th July 1731

Read the first time & Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

And thus.

By the Upper House of Assembly 17th July 1731.

Read the Second time & will pass

Signed p Order Jn^o Ross Cl. Up. Ho.

Which said bill was read here & Passed for Ingrossing

The Clerk is Ordered to write and acquaint Coll^o Thomas Truman Greenfeild Capⁿ Thomas Waughop & M^r John Young of St Marys County and Capⁿ William Elliott of Queen Anns County Absent Members that they are wanted in the House.

Benjamin Tasker Esq^r from the Upper house delivers M^r Speaker the Bill for the Continuance of Process in Baltemore County Court thus Indorsed.

By the Upper house of Assembly 16th July 1731.

Read the first time and Ordered to Lye on the Table

Signed p Order Jn^o Ross Cl Up. Ho.

And thus,

By the Upper House of Assembly 17th July 1731.

Read the Second time & will pass

Signed p Order Jn^o Ross Cl. Up. Ho.

The House Adjourns till two of the Clock in the Afternoon. L. H. J.

Post Meridiem

The House met according to Adjournment, Called & all Present as in the Morning.

Mathew Tilghman Ward Esq^r from the Upper House Delivers M^r Speaker the Petition of Plater Onely and Stephen Pyke Endorst thus,

By the Upper House of Assembly 17th July 1732

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order Jn^o Ross Cl. Up. Ho.

And Likewise the following Message in Relation the aforesaid Petition, [The text of this message is printed at page 197.]

The Petition of Thomas Brown read & Granted The Petition of Richard Barrow read and Granted The Petition of John Clerk read & referred for further Consideration

The House Adjourns till Monday Morning Eight a Clock

Monday Morning July the 19th 1731.

July 19

The House met according to Adjournment.

The Members were Called and all Present as on Saturday (Ex- p. 299
cept Capⁿ Sprigg who was Excused by reason of his wife being
very ill) Capⁿ Thomas Waughop makes his Appearance this day
in the House, The proceedings of Saturday were read.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the following Petitions.

The Petition of Richard Roper, The Petition of Richard Greenaway, The Petition of Thomas Lewis Insolvent Debtors.

Coll. Levin Gale James Hollyday Esq^r and M^r Ralph Crabb are Appointed to Inspect the Laws made in favour of Residents as to the Publick Duties Recommended to this house in the Governours Speech to be Considered of, And if Occasion be to bring in a Bill accordingly.

Upon a Motion to bring in a Bill for Emitting Bills of Credit, A Bill is Ordered to be brought in to Emitt Bills of Credit, Nemine Contradicente

The Question being put whether the Bills of Credit shall be upon a Sinking fund or upon Land Security, Resolved Nemine Contradicente that they be upon a Sinking fund.

L. H. J. Mathew Tilghman Ward Esq^r from the Upper House Delivers M^r Speaker the bill for the Encouragement of making Linen Cloath within this Province of Flax or Hemp of the Growth thereof thus Endorst.

By the Upper House of Assembly 17th July 1731.

Read the first time and Ordered to Lye on the Table

Signed p Order. Jn^o Ross Cl. Up. Ho.

By the Upper House of Assembly 19th July 1731.

Read a Second time and will pass with the following Amendments [The text of these amendments is printed at page 197.]

Which was read with the Amendments & Past for Ingrossing.

A Bill for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster Parish in Ann arundell County as will build them a new Church and purchase two acres of Land to build the said Church on, Read the first and Second time by an Especial Order & will pass, Sent to the Upper House by M^r Richard Warfeild, Who returns and acquaints M^r Speaker he Delivered the Same.

The House Adjourns untill two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment, Called & all present as in the Morning.

Capⁿ William Elliott a Member for Queen Anns County this day makes his Appearance in the House.

Coll^o Richard Tilghman from the Upper House Delivers M^r Speaker the Petition of Edward Hyat which was read & Granted.

p. 300 M^r Phillip Key from the Committee of Laws Delivers M^r Speaker a Bill for reviving An Act for the Tryall of all Matters of fact in the Several Countys where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court with The Supplementary Act thereto and to Amend some Defects in the said Acts. Read the first time and Ordered to Lye on the Table.

M^r Joshua George from the Committee of Laws Delivered M^r Speaker an Engrossed bill Entituled an Act Impowering the Justices of Calvert County to Levy on the Taxable Persons of that County any Sum of Tobacco not Exceeding ten thousand pounds of Tobacco to pay for the finishing the Court House of the said County.

The Petition of Richard Roper was read & Granted with a Proviso in the Act not to Prejudice his Master of his Servitude.

The Petition of Richard Greenway was read & Granted.

L. H. J.

The House Adjourns till to Morrow Morning Eight a Clock.

Tuesday July 20th 1731.

July 20

The House met according to Adjournment.

The Members were Called and all Present as Yesterday.

The proceedings of Yesterday were read.

The Engrossed bill Entituled an Act Impowering the Justices of Calvert County Court to Levy on the Taxable persons of that County any Sum of Tobacco not Exceeding ten thousand pounds of Tobacco to pay for the finishing the Court house of the said County.

Sent to the Upper House with the Paper Bill thereof by M^r Walter Smith and Maj^r Adderton Skinner, who return and say they Delivered the Same.

The Petition of Daniel Bateman this day read & Granted he giving Security for the payment of Twenty pounds Currant Money to be Destributed amongst his Creditors

Coll^o Joseph Belt from the Committee of Aggreivances & Courts of Justice Delivers M^r Speaker the following Report from the said Committee.

By the Committee of Aggreivances & Court of Justice July 19th 1731.

We your Committee having Enquired into the Commissions Lately Granted to the Justices of the Provincial and County Courts and upon Inspection thereunto had, We find the said Commissions Differ from the Commissions before Issued & which last Commissions are Different from the Others in these words Viz. The reasonable Good Laws & Statutes of that part of the Kingdom of Great Britain Called England and all Laws and Ordinances of this our Province made &c. The other Commissions before Granted being in these words Viz. According to the Directions of the Acts of Assembly of our said Province so far forth as they Provide and where they are Silent according to the reasonable Customs of England and the Laws and Statutes thereof as are or shall hereafter be Agreeable to the Usage or Constitution of the Same Province and your Committee further having Inspected into the Oath now taken by the Courts aforesaid do find the Oath Appointed by the Courts aforesaid to be taken (only Altering the Names of the said Courts) to be in Manner following Viz.

You A. B. do swear that as Justice of this his Lordships Provincial Court you will well and truely serve his Lordship and do Equal right to all his Majesty's Subjects to the best of your Cunning & skill & Cause all fines forfeitures and Amerciaments which shall happen to fall before you to be Entered without Concealment you will

L. H. J. not debarr or hinder the prosecution of Justice or take any Gift or fee for the Delaying of Judgment but justly and truly Abear your self so long as you shall Continue in the said Office of Justice aforesaid. So help you God.

All which your Committee humbly Reports to the House for their Consideration therein

Signed p Order Cha: Worthington.

John Hall Esq^r from the Upper House of Assembly Delivers M^r Speaker the Bill for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster Parish in Ann arundell County as will build them a new Church & purchase two Acres of Land to build the said Church on thus Endorst,

By the Upper house of Assembly 19th July 1731

Read the first time & Ordered to Lye on the Table.

Signed p Order Jn^o Ross Cl. Up. Ho.

[For the text of the second endorsement see page 199.]

The House Adjourns till Two of the Clock in the Afternoon

Post Meridiem,

The House met according to Adjournment Called and all Present as in the Morning.

A Bill to Supply some Defects in a Deed of Sale from Audry Taylard widow to Philemon Hemsley and Ux^r of a Lott in Annapolis now in the Possession of the Honourable Charles Calvert Esq^r Read the second time by Especial Order & will pass, And sent to the Upper House by John Beale Esq^r and Capⁿ Rob^t Gordon who return and say they Delivered the same.

The House Appoint Friday next to Consider of the Report this Day brought in by Coll Joseph Belt from the Committee of Aggreivances & Court of Justice.

The Bill for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster Parish in Ann Arundell County as will build them a new Church and purchase two acres of Land to build the said Church on, was read & with the Amendments Proposed by the Upper House passed for Ingrossing.

The Engrossed bill Entituled an Act for the Continuance of Process in Baltemore County Court Sent to the Upper house with the paper bill thereof by M^r Roger Mathews & M^r William Hamilton, Who return & say they Delivered the same

The Engrossed bill Entituled an Act to Encourage the making of Linen Cloath within this Province of flax or Hemp of the Growth

thereof, Sent to the Upper House with the Paper bill thereof by Capⁿ L. H. J. George Dashield & M^r William Hamilton. They return and say they Delivered the same. The House Adjourns till to Morrow Morning Eight a Clock.

Wednesday July the 21st 1731.

July 21
p. 302

The House met according to Adjournment. The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

Coll^o Gale, James Hollyday Esq^r and M^r Ralph Crabb are Appointed to prepare a Supplementary Bill to the Act for regulating the Currant Money of this province

The following Message, [The text of this message is printed at page 200.]

Sent to the Upper House by Daniel Dulany Esq^r and M^r George Robins, Who return and Say they Delivered the Same.

A Bill to prevent the Infection and Spreading of the small pox now raging in a Ship belonging to M^r Amos Woodward, read the first and second time by an Especial Order & will pass. Signed ꝑ Order William Cumming Cl. Lo. Ho.

Sent to the Upper House by Daniel Dulany and Edmund Jennings Esq^{rs} who return & say they Delivered the same.

The Question being put whether the Dollars commonly called Spread Eagle Dollars shall pass in Payments here for four Shillings and three pence or four Shillings and Six pence, Carried that they shall pass for four shillings and six pence.

The Question being put whether English half pence shall be now Considered of or Deffered to Some other time Carried that it shall be now Considered of by the House and that they shall pass Currant at the rate of three half pence for two pence.

Philemon Lloyd Esq^r from the Upper House Delivers M^r Speaker the Petition of William Merson thus Endorst,

By the Upper House of Assembly 21st July 1731,

Read and Recommended to the Consideration of the Lower House of Assembly.

Signed ꝑ Order. J. Ross Cl. Up. Ho.

The Petition of James Kingsbury thus Endorst

21st July 1731

Read and recommended to the Consideration of the Lower House of Assembly.

Signed ꝑ Order J Ross Cl. Up. Ho.

L. H. J. The following Message [The text of this message is printed at page 201.] Sent to the Upper House by Daniel Dulany Esq^r and Twelve other Members, They return and say they Delivered the same.

The Petition of William Merson read & Granted.

The Petition of James Kingsbury read & Granted.

The Engrossed bill Entituled an Act for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster Parish
p. 303 in Ann arundell County as will build them a new Parish Church and purchase two Acres of Land to build the said Church on Sent to the Upper house by M^r Richard Warfeild who return[s] and say[s] he Delivered the same.

Coll^o William Holland from the Upper House Delivered to M^r Speaker the bill to prevent the Infection and Spreading of the Small pox now raging in a Ship belonging to Amos Woodward thus Endorst, [The text of this endorsement is printed at page 201.]

John Rousby Esq^r from the Upper House Delivers M^r Speaker the Petition of John Rider Esq^r thus Endorst,

By the Upper House of Assembly 21st July 1731.

Read and recommended to the Consideration of the Lower House of Assembly, The Heir at Law having Declared his Consent thereto.

Signed p Order. J Ross. Cl. Up. Ho.

The House Adjourns till two of the Clock in the Afternoon

Post Meridiem.

The House met according to Adjournment, Called and all Present as in the Morning.

The Engrossed bill Entituled an Act to prevent the Infection and Spreading of the Small Pox from a Vessell belonging to Amos Woodward Merchant Sent to the Upper House with the paper bill thereof, by Coll Ennalls, Who returns and says he Delivered the same.

The Petition of the Inhabitants of Upper Marlborough in Prince Georges County was read this Afternoon and Leave Given to bring in a bill as prayed

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the paper bill to prevent the Infection & spread of the Small Pox from a Vessell belonging to Amos Woodward thus Endorst. Read and Assented to. Signed p Order J. Ross Cl. Up. Ho.

The Petition of John Rider Esq^r Read & Rejected.

Phillip Lee Esq^r and Coll^o Rider from the Upper House Acquaint M^r Speaker that the Governour Commands him and the other Members of this House to Attend him in the Upper House and then with-

drew, M^r Speaker and the rest of the Members of this House Went L. H. J. to the Upper House, M^r Speaker Presented to the Governour the Engrossed bill Entituled an Act to prevent the Infection and Spreading of the Small Pox from a Vessell belonging to Amos Woodward Merchant, which the Governour passed into a Law by Sealing the same with the Right Honourable the Lord Proprietarys Greater Seal at Arms and by Assenting to the same Viz.

July 21st 1731.

On Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.

Bene^{dt} Leon^d Calvert.

Afterwards M^r Speaker with the rest of the Members returns p. 304 to their own House where M^r Speaker resumes the Chair.

The Bill for reviving an Act for the Tryal of all Matters of fact in the Several Countys where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court with the Supplementary Act thereto and to Amend some Defects in the said Acts. Which was read a Second time & will pass.

Sent to the Upper House by William Stoughton Esq^r and Capⁿ Ebenezer Blackstone.

They return and say they Delivered the same.

Mathew Tilghman Ward Esq^r from the Upper House Delivers M^r Speaker the Bill to Supply some Defects in a Deed of Sale from Audry Taylard Widow to Philemon Hemsley and Uxor of a Lott in Annapolis now in the Possession of the Honourable Charles Calvert Esq^r thus Endorst,

By the Upper House of Assembly 20th July 1731.

Read the first time & Ordered to Lye on the Table

Signed p order J. Ross Cl. Up. Ho.

[The text of the second endorsement is printed at page 203.]

Which Bill was read with the Amendment proposed and passed for Ingrossing.

The House Adjourns till to Morrow Morning Eight a Clock.

Thursday July the 22^d 1731.

July 22

The House met according to Adjournment Called & all Present as yesterday.

The proceedings of yesterday were read.

A Bill to make and Emitt thirty Six thousand pounds Currant Money of Maryland in Bills of Credit and for Easing the Inhabitants

L. H. J. of this Province in the Payments of Debts and to raise a fund to Sink the said Bills of Credit, which was read the first time and Ordered to Lye on the Table.

The House Adjourns till two a Clock Afternoon

Post Meridiem

The House met according to Adjournment Called and all present as in the Morning.

A Bill for Quieting Possessions and further Securing the Estates of Purchasers was read the first time & Ordered to Lye on the Table.

The Question was put whether the Paper Currency Bill should have a Second reading Carried in the Affirmative.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the paper Bills for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster Parish in Ann Arundell County as will build them a new Church and Purchase two acres of Land to build the said Church on, The paper bill Empowering the Justices of Calvert County Court to Levy on the Taxable persons of that County any Sum of Tobacco not Exceeding Ten thousand pounds of Tobacco to pay for the finishing the Court House of the said County. The Paper bill for the Encouragement of the making of Linnen Cloath within this Province of flax or Hemp of the Growth thereof.

p 305 The Paper Bill for the Continuance of Process in Baltemore County Court, Severally Endorsed thus,

July 22^d 1731

Read & Assented to.

Signed p Order. J. Ross Cl. Up. Ho.

The House Adjourns till to Morrow Morning Eight a Clock.

July 23

Friday July the 23rd 1731

The House met according to Adjournment, Called and all Present as Yesterday.

The proceedings of Yesterday were read.

The Bill for Quieting Possessions and further Securing the Estates of Purchasers was read a second time and referred till next Assembly.

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the Petition of William Austin thus Endorst,

By the Upper House of Assembly 23^d July 1731.

Read and Recommended to the Consideration of the Lower House of Assembly.

Signed p Order. J Ross. Cl. Up. Ho.

A Bill for regulating of Ordinarys for the better regulating of L. H. J. Ordinary Keepers & Inn holders within this Province for the future, was read the first time & Ordered to Lye on the Table.

A Bill to make and Emitt thirty Six thousand pounds in Bills of Credit and for Easing the Inhabitants of this Province in the payments of Debts and to raise a fund to Sink the said Bills of Credit, was read a Second time and will [pass].

The Petition of William Austin Read & Rejected, The House Adjourns till two a Clock Afternoon

Post Meridiem,

The House met according to Adjournment Called and all present as in the Morning. Coll^o Thomas Trueman Greenfeild appeared this Afternoon in the House

The Bill to Emitt thirty Six thousand pounds Current Money of Maryland in Bills of Credit and Easing the Inhabitants of this Province in the payment of Debts and to raise a fund to Sink the said Bills of Credit, Sent to the Upper House by Maj^r Harris and Eleven more, They return and say they Delivered the same.

The Supplementary Bill to an Act Entituled an Act for Settling the rates of foreign Silver Coyns within this Province, Was read the first time and Ordered to Lye on the Table

The House Adjourns untill to Morrow Morning Eight a Clock.

Saturday July the 24th 1731.

July 24

The House met according to Adjournment, The Members were Called and all present as Yesterday, The proceedings of yesterday were read.

M^r Ralph Crabb in Obedience to an Order made at last Sessions of Assembly Ordering him and M^r Edward Sprigg to repair to the Gaol of the Sherriff of Prince Georges County and to Examine the Prisoners Concerning their being beat & abused by the said Sherriff Return to the House the Depositions of Several prisoners by them taken with a Recognizance taken of the said Sherriff for to keep the peace & be of Good Behaviour.

The Supplementary bill to the Act Entituled an Act for the Settling the Rates of foreign Silver Coyns within this Province was read the second time & will pass, Sent to the Upper House by M^r William Hemsley and M^r Sam^l Chamberlain, they return and say they Delivered the same.

The House Adjourns untill two of the Clock in the Afternoon

L. H. J.

Post Meridiem,

The House met according to Adjournment, Called and all present as in the Morning.

p. 306 A Bill for Ascertaining the form of the Oath of Judge or Justice, Read the first time and Ordered to lye on the Table, A Bill to Enable the Clerk of the Provincial Court or the Clerk of Baltemore County Court to Record a Deed of Bargain & Sale from James Gibson to James Kingsbury and to make the same Valid, was read the first & Second time by Especial Order & Passed, And sent to the Upper House by Major Robert Hanson and M^r Daniel Scott, They return and say they Delivered the same.

The Engrossed bill Entituled an Act to Supply some Defects in a Deed of Bargain and Sale from Audry Taylard of S^t Mary's County widow, to Philemon Hemsley and Mary his wife of a Lott or Portion of Ground lying in Annapolis now in the Possession of the Honourable Charles Calvert Esq^r Sent to the Upper House by John Beale Esq^r and M^r Thomas Worthington, They return and say they Delivered the same. A Bill to remedy Defective Probates of Accounts was read the first time and Ordered to Lye on the Table.

John Hall Esq^r from the Upper House of Assembly Delivers M^r Speaker the paper Bill to Supply some Defects in a Deed of Sale from Audry Taylard Widow to Philemon Hemsley and Ux^r of a Lott in Annapolis now in the Possession of the Honourable Charles Calvert Esq^r thus Endorst,

By the Upper House of Assembly 24th July 1731.

Read and Assented to

Signed p Order J^{no} Ross Cl. Up. Ho.

The House Adjourns till Monday Morning Eight a Clock.

July 26

Munday July the 26th 1731.

The House met according to Adjournment, Called and all present as on Saturday,

The proceedings of Saturday were read.

Coll^o John Rider from the Upper House Delivers M^r Speaker the bill to Enable the Clerk of the Provincial Court or the Clerk of Baltemore County Court to Record a Deed of Bargain and Sale from Thomas Gibson to James Kingsbury and to make the same Deed Valid thus Endorst,

By the Upper House of Assembly 24th July 1731

Read the first time & Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

By the Upper House of Assembly 26th July 1731.

L. H. J.

Read the second time & will pass.

Signed p order. J. Ross Cl. Up. Ho.

Which was read & Passed for Ingrossing.

The Bill for Ascertaining the form of the Oath of Judge or Justice, was read the second time and passed. Sent to the Upper House by Coll^o Greenfeild and Twelve more

They return and say they Delivered the Same

The Petition of Thomas Lewis an Insolvent Debtor was read and Granted According to the prayer thereof, The House Adjourns till two a Clock in the Afternoon.

Post Meridiem,

The House met according to Adjournment, Called and all Present as in the Morning.

Benj. Tasker Esq^r from the Upper House Delivers M^r Speaker the Petition of Charles Slye thus Endorst,

By the Upper House of Assembly 26th July 1731.

Read & recommended to the Consideration of the Lower House of Assembly.

Signed p Order J Ross Cl. Up. Ho.

[The text of the message in reply is printed at page 207.]

p. 307

Which was sent to the Upper House by Capⁿ Waughop and M^r Phillip Key. They return and say they Delivered the same.

A Bill to Record a Deed of Bargain and Sale from James Gold and Elizabeth his Wife to William Scott and Sarah his wife, was read the first and second time by Especial Order and passed, Sent to the Upper House by Capⁿ Elliott and M^r William Hemsley, They return and say they Delivered the same.

A Bill for regulating of Ordinarys and for the better regulating of Ordinary keepers and Inn holders within this Province for the future, was read a second time & passed and Sent to the Upper House by Coll. Belt and M^r Tolley. They return and say they Delivered the same.

The Bill to Remedy Defective Probates of Accounts and giving further time for Proving Accounts was read the Second time & Passed & Sent to the Upper house by Maj^r King and M^r Augustine Thompson, They return and say they Delivered the Same. The House Adjourns till to Morrow Morning Eight a Clock.

L. H. J.
July 27

Tuesday July the 27th 1731

The House met according to Adjournment, Called & all Present as yesterday,

The proceedings of yesterday were read.

John Rousby Esq^r from the Upper House of Assembly Delivers M^r Speaker the following Message, [The text of the message is printed at page 208.]

Together with the Petition and Deposition referred in the said Message which were Likewise read.

p. 308 The following Message [The text of this message is printed at page 208.]

Which was sent to the Upper House by Coll^o Greenfeild and M^r Beale together with the Petition to his Excellency the Governour therein referred to & Deposition

They return and say they Delivered the same.

The House Adjourns untill two of the Clock in the Afternoon

Post Meridiem.

The House met according to Adjournment Called & all present as in the Morning.

A Bill Declaring what Persons shall be Esteemed Residents within this Province, it was read the first time & Ordered to Lye on the Table.

A Bill for laying out the Town a new Commonly called Marlborough Town in Prince Georges County and for Ascertaining the bounds thereof was read the first time & Ordered to lye on the table.

p. 309 Capt. Richard Tilghman from the Upper House Delivers M^r Speaker the Petition of Coll^o John Rider thus Endorst,

By the Upper House of Assembly 27th July 1731

Read and recommended to the Consideration of the Lower House of Assembly.

Signed p Order J. Ross Cl. Up. Ho.

Which was read & referred till next Sessions of Assembly and ordered that the Heir or Heirs at Law of the said William Green have notice then to Appear.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the following Message [The text of this message is printed at page 209.]

The following Message [The text of this message is printed at page 210.] Sent to the Upper House by William Stoughton Esq^r and Maj^r Turbutt, They return and say they Delivered the Same.

Coll^o Richard Tilghman from the Upper House Delivers M^r L. H. J. Speaker the following Message. [The text of this message is printed p. 310 at page 210.]

The following Message [The text of this message is printed at page 211.] Sent to the Upper House by Capⁿ Gordon and M^r Knight, They return and say they Delivered the Same.

The House Adjourns till to Morrow Morning Eight a Clock.

Wednesday July the 28th 1731.

July 28

The House met according to Adjournment Called & all Present as Yesterday, The proceedings of Yesterday were read.

John Hall Esq^r from the Upper House Delivers M^r Speaker the following Message. [The text of this message is printed at page 211.]

The following Message [The text of this message is printed at page 211.] Sent to the Upper House by Maj^r King and M^r George p. 311 Robins, They return and say they Delivered the same.

The Bill for laying out the Town a New called Marlborough Town in Prince Georges County And for Ascertaining the bounds thereof, was read the second time & will pass

Sent to the Upper House by M^r Magruder and Coll Joseph Belt, They return and say they Delivered the Same,

The House Adjourns till Two a Clock in the Afternoon.

Post Meridiem.

The House met according to Adjournment, Called and all present as in the Morning.

The Honourable Charles Calvert Esq^r William Holland Esq^r John Hall Esq^r Philemon Loyd Esq^r Coll. Richard Tilghman, Mathew Tilghman Ward Esq^r John Rousby Esq^r Benjamin Tasker Esq^r Phillip Lee Esq^r and Coll. John Rider Deliver M^r Speaker a Bill for the better Securing the Government of this Province Endorst thus,

By the Upper House of Assembly 28th July 1731.

Read the first time and Ordered to Lye on the Table.

Signed p Order. J. Ross Cl. Up. Ho.

And thus.

By the Upper House of Assembly 28th July 1731.

Read the Second time and will pass.

Signed p order J. Ross Cl. Up. Ho.

L. H. J. William Holland Esq^r from the Upper House Delivers M^r Speaker the Petition of the Vestrymen and Church Wardens of Saint Pauls Parish in Baltemore County thus Endorst,

By the Upper House of Assembly 28th July 1731.

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order J. Ross Cl. Up. Ho.

Which was read and Granted.

The Bill for the better Securing of the Government of this Province, was read the first and second time and will not pass. Signed p Order. William Cumming Cl. Lo. Ho.

Sent to the Upper House by Coll Greenfeild and Twenty four more, They return and say they Delivered the same.

Coll^o John Rider from the Upper House Delivers M^r Speaker the Bill for reviving an Act for the Tryal of all Matters of fact in the Several Countys where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court with the Supplementary Act thereto and Amend some Defects in the said Acts thus Endorst,

By the Upper House of Assembly 21st July 1731.

Read the first time & Ordered to lye on the Table.

Signed p Order. J. Ross Cl. Up. Ho.

By the Upper House of Assembly 28th July 1731.

Read the second time and will not pass

Signed p Order. J. Ross Cl. Up. Ho.

Phillip Lee Esq^r from the Upper House Delivers M^r Speaker the bill for Ascertaining the form of the Oath of Judge or Justice thus Endorst, Viz.

By the Upper House of Assembly 26th July 1731.

Read the first time & Ordered to Lye on the Table.

Signed p Order J. Ross Cl. Up. Ho.

By the Upper House of Assembly 28th July 1731.

Read the second time & will not pass

Signed p Order. J Ross Cl. Up. Ho.

p. 312 The House Adjourns till to Morrow Morning Eight a Clock.

Thursday Morning July the 29th 1731.

L. H. J.
July 29

The House met according to Adjournment, Called & all Present as Yesterday.

The proceedings of Yesterday were read.

The Bill Declaring what persons shall be Esteemed Residents within this province was read the second time & passed, Sent to the Upper House by M^r Ralph Crabb & M^r Samuel Hanson, They return and say they Delivered the same

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the bill to Record a Deed of Bargain and Sale from James Gould and Elizabeth his wife to William Scott and Sarah his Wife thus Endorst Viz.

By the Upper House of Assembly 27th July 1731.

Read the first time and Ordered to Lye on the Table

Signed p Order. J. Ross Cl. Up. Ho.

By the Upper House of Assembly 29th July 1731.

Read the Second time and will Pass.

Signed p Order. J. Ross Cl. Up. Ho.

Which was read and past for Engrossing.

The following Message [The text of this message is printed at page 213.] Sent to the Upper House by Coll. Greenfeild and Twelve more, They return and say they Delivered the same.

Coll^o Richard Tilghman Mathew Tilghman Ward and John Rousby Esq^r [and] Philemon Lloyd Esq^r from the Upper House, Delivered to M^r Speaker the Bill to make and Emitt thirty six thousand Pounds Current Money of Maryland in bills of Creditt and for Easing the Inhabitants of this Province in the payments of Debts and to raise a fund to Sink the said Bills of Credit thus Endorst.

By the Upper House of Assembly 23^d July 1731

Read the first time and ordered to Lye on the Table

Signed p Order J Ross Cl. Up. Ho.

By the Upper House of Assembly 29th July 1731.

Read the second time & will not pass.

Signed p order J Ross Cl. Up. Ho.

The House Adjourns till two a Clock in the Afternoon

L. H. J.

Post Meridiem.

The House met according to Adjournment Called and all Present as in the Morning together with Capⁿ Edward Sprigg whose Absence formerly was Excused by reason of his Wifes Indisposition

p. 313 The following Message [The text of this message is printed at page 214.] Sent to the Upper House by Coll. Greenfeild and Twenty four more, They return & Say they Delivered the Same.

The Engrost bill Entituled an Act to record a Deed of Bargain and Sale from James Gould and Elizabeth his Wife to William Scott and Sarah his Wife Sent to the Upper House with the paper Bill thereof by Maj^r Turbutt and M^r William Hemsley.

They return and say they Delivered the same.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the paper Bill to Record a Deed of Bargain and Sale from James Gould and Elizabeth his Wife to William Scott and Sarah his wife thus Endorst.

By the Upper House of Assembly 29th July 1731.

Read and Assented to.

Signed p order. J. Ross Cl. Up. Ho.

The Engrost Bill Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale from Thomas Gibson to James Kingsbury And to make the same Deed Valid, Was Sent with the paper Bill thereof to the Upper House by Coll^o Fendall and M^r Samuel Hanson.

Mathew Tilghman Ward. Esq^r from the Upper House Delivers M^r Speaker the Paper Bill to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale from Thomas Gibson to James Kingsbury and to make the same Deed Valid thus Endorst,

By the Upper House of Assembly 29th July 1731.

Read and Assented to.

Signed p Order Jn^o Ross Cl. Up. Ho.

Phillip Lee Esq^r and Coll^o John Rider from the Upper House Acquaint M^r Speaker that his Excellency the Governour desires his and the whole House Attendance Immediately in the Upper House, and then Withdrew.

p. 314 Whereupon M^r Speaker and the rest of the Members of this house went to the Upper House where M^r Speaker presented to the Gov-

ernour the following Ingrossed Bills [This list is printed at L. H. J. page 215.]

All which the Governour passed into Laws by Sealing them with the Right Honourable the Lord Proprietary's Greater Seal at Arms and Severally thus Indorsing them Viz.

July the 29th 1731

On behalf of the Right Honourable the Lord Proprietary of this Province. I will this be a Law

Bene^t Leon^d Calvert.

Then the Governour with the Advice of his Lordships Council was pleased to Prorogue this Assembly to the Nineteenth day of August next.

Mr Speaker with the rest of the Members of this House returned

Mr Speaker reassumed the Chair and repeated what the Governour had done, Whereupon this house Prorogues it self to the nineteenth day of August next.

So Endeth this fourth Session of Assembly this Twenty ninth day of July Anno Domini 1731.

Test William Cumming Clk Lower House of Assembly

ACTS

Session At a Session of Assembly, begun and held at the City of An-
Laws napolis, in Maryland, the Thirteenth Day of July, 1731, the follow-
Printed by ing Laws were Enacted.
William
Parks, 1731

Chap. VIII An Act to prevent the Infection and Spreading of the Small Pox,
p. 1 from a Vessel belonging to Amos Woodward, Merchant.

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not nor may be lawful, upon any Pretence whatsoever, for any Person or Persons whatsoever, belonging to, or now on Board, the Vessel or Snow called the Charming Molly, to come on Shore into the City of Annapolis, or elsewhere within this Province; nor to bring, land, or put on Shore, any Goods, Wares, or Merchandizes, from on Board the said Vessel, for and during the Space of Four Months, without having first obtained a Licence from the Governor of this Province, or such other Person as he shall appoint; on Pain of forfeiting One Hundred Pounds Current Money of Maryland, for every Offence against this Act; One Half to the Lord Proprietary, for Support of Government, the other Half to him or them who will sue for the same: To be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed.

And Be It Enacted, by the Authority aforesaid, That any Person who shall go on Board the said Vessel, and shall return on Shore before the End of Four Months, without such Licence as aforesaid, shall be liable to the same Pains and Penalties, as Persons coming on Shore from on Board the said Vessel.

And Be It Likewise Enacted, That if any Servant or Slave, shall go on Board the said Vessel, and come on Shore from on Board the same, within Four Months, without such Licence as aforesaid, such Offender shall be whipped at the Publick Whipping Post, with Thirty Nine Stripes at the least, on his or her bare Back; and be sent immediately on Board the said Vessel: And that as often as any Person shall transgress this Act, such Offender shall be liable and subject to the Penalties herein before mentioned.

And Be It Further Enacted, That the said Vessel shall be immediately removed from the River of Severn, and rode at Anchor at
p. 2 least One Mile from the Shore, on Pain of the Master's forfeiting One Hundred Pounds current Money of Maryland: To be applied and recovered as aforesaid.

Provided, That this Act shall not extend, or be construed to extend, to prevent the carrying of Water, Wood, or other Provisions, on Board of any Boat, for the Use of said Vessel; so as such Boat shall be moored at a considerable Distance from the said Vessel: And that the Persons who shall carry such Water, Wood, or other Provisions, shall not go on Board the said Vessel, nor on Board of such Boat.

Session
Laws

An Act empowering the Justices of Calvert County Court, to levy on the Taxables Persons of that County, any Sum of Tobacco not exceeding Ten Thousand Pounds of Tobacco, to pay for the finishing the Court House of the said County. Chap. I

Whereas, it is represented and made appear to this Assembly, That the Tobacco levied on the Taxable Persons in Calvert County, for the building and finishing the Court-House for that County, is not sufficient to finish the Court-House, and make good the Contracts already made concerning the same: It is prayed, that it may be Enacted,

And Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Calvert County Court, shall and may, by Virtue of this Act, cause to be levied on the Taxable Persons of the said County of Calvert, any Quantity of Tobacco, not exceeding Ten Thousand Pounds of Tobacco, on the Taxable Persons of the said County; in order to finish the said Court-House, and make good any Contracts that the Justices of the same County have made concerning the same; any Law or Usage to the contrary, notwithstanding.

An Act for the Continuance of Process in Baltemore County Court. Chap. II

Whereas, the Small Pox has raged of late in Baltemore County, and more especially in Joppa, where the said County Court is held; and that the Justices of the said County, to prevent the Spreading of that fatal and dangerous Distemper, as much as in them lay, adjourn'd the last June Court, without doing any Business. And whereas, the said Distemper still continues in the Neighbourhood of Joppa, aforesaid, which would render the Meeting of the People the Beginning of next August, (the Time by Law appointed for the Sitting of that Court) very dangerous to the Inhabitants of that County in particular, and of several other Parts of the Province in general:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Gov- p. 3

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Laws error, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Writs, Process, Pleas, and Suits, now commenced or depending, and which ought to have been determined last June Court, shall be and are, by Virtue of this Act, continued until the First Tuesday in November next; and be then in the same State and Condition, to all Intents and Purposes whatsoever, as if the same were continued to and from the several Courts in the usual Manner: And also, that all Writs, Process, Pleas, and Suits, now commenced and depending, and which ought to be determined at the Courts to be held in the Months of August or November, in this present Year One Thousand Seven Hundred and Thirty One, shall be and are, by Virtue of this Act, continued to the Court or Courts to be held in the Month or Months of March or June next ensuing this present Sessions of Assembly, if the same, or any of them, to the Justices of the said County Court shall seem meet; and that no Advantage shall be taken or had, for or by Reason of any Discontinuance or other Error or Defect in any of the said Proceedings, for or by Reason of the Non-appearance of any Plaintiff or Defendant, or for or by Reason that any Suit depending in the same County Court hath not been regularly continued, or tried, heard, or determined, within the Time limited for Continuance of Actions, by the Act of Assembly in that Case provided; any Law, Usage, or Custom to the contrary, notwithstanding.

Provided Always, That this Act, or any Thing therein contained, shall not extend or be construed to extend, to aid any Imperfection or Defect, which the regular Continuance and Trial of Causes according to the Law now in Force, would not have aided.

Chap. III An Act to encourage the Making of Linen Cloth, within this Province, of Flax or Hemp, of the Growth thereof.

Whereas, several of the Inhabitants, of this Province, especially the poorer Sort, cannot provide necessary Cloathing, particularly Linen, for themselves and their Families, by the Produce of their Crops of Tobacco, in the present low State of that Commodity; and that making Linen Cloth, or Flax and Hemp, of the Growth of the Country, would be of great Advantage to the People thereof in general; and therefore, and to the End, that so useful and beneficial a Work may be encouraged, it is praied that it may be Enacted,

And Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower House of Assembly, and the Authority of the same, That at the next November County Court within this Province, and at every November Court during the Continuance
p. 4 of this Act, the Justices of each respective County Court, shall levy on the Taxable Inhabitants of each respective County, the Quantity of Twenty Four Hundred Pounds of Tobacco, in the same Manner

as other County Charges are levied, together with the Sheriffs Salary; to be applied to the Uses and Purposes following: That is to say, One Thousand Pounds of Tobacco, to be paid to the Person who shall bring to the next March Court, and to every other March Court during the Continuance of this Act, the best Piece of Linen Cloth, of Twenty Yards at the least in Length, and Seven Eighths of a Yard wide; Eight Hundred Pounds of Tobacco, to the Person who shall bring the Second Piece in Quality, of the Length and Breadth aforesaid; and Six Hundred Pounds of Tobacco, to the Person who shall bring the Third Piece in Quality, of the Length and Breadth aforesaid: The Quality to be judged of, and determined, by the Justices of the several County Courts then present, or the greater Number of them; wherein special Regard is to be had to the Whiteness of the Linen. And the Rewards or Bounty allowed by this Act, shall be ordered by the said Justices to be paid to the several and respective Persons intituled thereto.

Session
Laws

Provided Always, That the Linen for which the Bounty by this Act allowed shall be given, shall be wove after the End of this Session of Assembly, and made of Flax or Hemp of the Growth of the respective Counties where the Bounties shall be paid; and that such Flax or Hemp, shall be actually manufactured in such County: And that no Person shall be allowed any Bounty for Linen, but in the County where the Flax or Hemp shall grow, and be manufactured; of which such Proof shall be made, as shall be satisfactory to the Justices of the respective County Courts.

And Provided Likewise, That it shall and may be lawful, for the said Justices, to cut each Piece of Linen, for which the Bounty shall be allowed, into Two equal Parts, or to use any other Methods they shall think fit, without much Damage to such Linen, to prevent Two Rewards being given for one and the same Piece of Linen; and then to return to the Bringer or Proprietor thereof such Linen.

Provided Also, Where the Tobacco levied as aforesaid shall not be applied to the Uses aforesaid, that then the Justices of the several County Courts, where such Application shall not be made, shall apply the Tobacco so levied, to the Use of the County, the ensuing Year.

This Act to continue until the last Day of March, which shall be in the Year of our Lord, One Thousand Seven Hundred and Thirty Five.

An Act for the Assessment of so much Tobacco on the Taxable Inhabitants of Westminster Parish, in Anne-Arundel County, as will build them a new Parish Church, and purchase Two Acres of Land, to build the said Church on.

Chap. IV
P. 5

Whereas, the Vestry-Men, Church-Wardens, and Parishioners of Westminster Parish, in Anne-Arundel County, and others in said County that pay Taxes in the said Parish, have, by their Petition to

Session the General Assembly, set forth, that their Parish Church is so
Laws decayed, and out of Repair, that it will almost cost as much to repair it, as it would to build a new One; besides, the said Church stands not convenient for the Parishioners; and have prayed that an Act may pass, to enable them to build a new Church, and purchase Two Acres of Land, just by where an Old School-House stood; that one Patrick Oglevie formerly kept School in, on the South West Side of the main Road that leads up on the North Side of Severn-River, to build the said new Church on; and that so much Tobacco may be levied on the Taxable Persons of the said Parish, as will enable them to purchase the Two Acres of Land, and build a Church:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestry-Men and Church-Wardens of Westminster Parish aforesaid, or the major Part of them, be and are hereby authorized and impowered, to agree for and purchase Two Acres of Land, where an old School-House stood, that one Patrick Oglevie formerly kept School in, on the South West Side of the main Road, that leads up on the North Side of Severn-River, to build the said new Church on.

And Be It Further Enacted, by the Authority aforesaid, That the Justices of Anne-Arundel County Court, shall and may, and they are hereby authorized and directed, on the Application of the Vestry-Men and Church-Wardens of the Parish aforesaid, to assess and levy on the Taxable Inhabitants of the said Parish, any Quantity of Tobacco not exceeding Twenty Thousand Pounds of Tobacco in any One Year; and to continue so doing Yearly, until there shall be a sufficient Quantity of Tobacco levied, to erect and compleat a new Church in the said Parish, and to purchase the Two Acres of Land aforesaid: Which said Tobacco, so to be levied, shall be collected by the Sheriff of Anne-Arundel County, for the Time being, who is hereby authorized and directed to collect the same; and who shall have for such Collection, at and after the Rate of Five per Cent, without any Deduction: And the said Tobacco, when so collected, shall be paid Yearly to the Vestry-Men and Church-Wardens, who are hereby authorized and required to apply the same to the Building and Finishing a new Church in the said Parish, and to pay for the Two Acres of Land, to be purchased as aforesaid.

Whereas, it may so happen, that the Person or Persons interested in the Two Acres of Land aforesaid, may wilfully refuse to make Sale thereof, or the Person or Persons interested therein, through
p. 6 Nonage, or Coverture, Non sane Memoria, or other Impediment or Disability, may be unable to do the same:

Be It Therefore Further Enacted, by the Authority aforesaid, That the Vestry-Men and Church-Wardens aforesaid, or the major

Part of them, are hereby authorized by Virtue of this Act, to issue Session out a Warrant, directed to the Sheriff of Anne-Arundel County Laws for the Time being, to empower him to impanel and return a Jury of Freeholders, to appear before the said Vestry-Men and Church-Wardens; which Jury upon their Oath, to be administered by the said Vestry-Men and Church-Wardens, are to enquire and assess such Damages and Recompence as they shall think fit to be awarded to the Owners, and all Persons interested, according to their several and respective Interests in the said Two Acres of Land, or any Part thereof; and what Sum of Tobacco the said Jury shall adjudge the said Two Acres of Land to be worth, shall be paid to the said Owners and Persons interested, by the Vestry-Men and Church-Wardens aforesaid, out of the Tobacco to be levied as aforesaid: Which said Two Acres, so to be valued as aforesaid, shall be surveied by the Surveior of the County, and staked out, and Certificate thereof made, and returned, by the said Surveior, with the Plat thereof, to the Vestry-Men and Church-Wardens; which said Certificate so returned, shall be entred on the Register Book of the said Parish; and there to remain as the undoubted Bounds of the said Two Acres of Land, for ever.

An Act to Supply some Defects in a Deed of Bargain and Sale from July, 1731
Audrey Taylard Late of St Maries County Widow to Philemon Chap. V
Hemsley and Mary his wife of a Lot or Portion of Ground Lying Liber L,
in Annapolis now in the Possession of the Honourable Charles No. 5
Calvert Esq^r p. 407

Whereas Audry Taylard late of St Maries County Widow By Deed of Bargain and Sale by her Sealed and Delivered bearing Date the first day of October One Thousand Seven Hundred and Eighteen for the Consideration of Thirty pounds Sterling sold and Conveyed to the said Philemon Hemsley and Mary his wife their heirs and Assigns for Ever One Lot or portion of Ground Lying in Annapolis now in the Possession of the Honourable Charles Calvert Esq^r which said Deed was by Virtue of a Letter of Attorney bearing Equal Date therewith and proved by the Oath of Two Creditable Witnesses to have been Sealed and Delivered by the said Audry Impowering John Beall Gent. to acknowledge the same the Eighteenth day of Aprill Anno Domini One Thousand Seven hundred & nineteen Acknowledged before James Stoddert Esq^r then One of the Justices of the Provincial Court by the said John Beall and not by the said Audry in person. And Whereas the said Deed was Omitted to be recorded untill the thirtieth Day of Aprill Anno Domini One Thousand Seven Hundred & nineteen and that it is Doubtfull that the Omission of the said Audrys Acknowledging the said Deed in person and of its being recorded within Six Months after the Execution thereof may render the Title of the said Philemon Hemsley and Mary his Wife from the said Audry Disputable for prevention whereof

Session Laws p. 408 Be it Enacted By the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper & Lower Houses of Assembly and the Authority of the same that the said Deed of Bargain & Sale shall be as good Effectual and Available in Law to bar the heir or heirs of the said Audry Taylard from any Claim Estate or Demand of in or to the said Lot, And to Invest the Heir or Assignes or those who have the Estate of the Heir or Assigns of the said Philemon Hemsley and Mary His wife or Either of them in the said Lot as if the same Deed had been Acknowledged by the said Audry in her proper person according to the Act of Assembly for Quieting Possessions & Enrolling Conveyances and Recorded within Six months after the Date thereof any Defect or Omission in the Same Deed or any Law Usage or Custom to the Contrary notwithstanding Saving to his Sacred Majesty his heirs and Successors the Right Honourable the Lord Proprietary his heirs and Successors and all Bodies Politick & Corporate and all other persons not named in this Act their Respective Rights.

Chap. VI
Liber L, 5
p. 409 An Act to Enable the Clerk of the Provinciall Court or the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale From Thomas Gibson to James Kingsbury and to make the Same Deed Valid

Whereas Thomas Gibson Late of Charles County by Deed of Bargain and Sale Bearing Date the Twentieth day of July One Thousand Six hundred and Ninety One Sold and Conveyed Two hundred Acres of Land part of a Tract of Land in Baltimore County Called Northwick to James Kingsbury Late of Calvert County formerly of Charles County his heirs and Assignes for Ever and Acknowledged the same Deed before two Justices of the Peace for Charles County which Deed was not Recorded nor was it Certified thereon by the Clerk of Charles County Court under that County Seale that the said Justices were Justices of the said County Court which Omissions render the Estate of the Heir of the said James Kingsbury in the said Land doubtfull Wherefore it is prayed that it may be Enacted. And Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice & Consent of his Lordships Governour and the Upper & Lower Houses of Assembly And the Authority of the Same that it shall and may be Lawfull for the Clerk of the Provinciall Court or the Clerk of Baltimore County Court to Record the said Deed of Bargain & Sale & that the same Deed being so recorded shall by Virtue of this Act of Assembly be of as full and Ample force and Effects to all Intents Constructions & purposes whatsoever as if the same had been actually Recorded and the Acknowledgment thereof Certified as the Act or Acts of Assembly in force at the time of the Execution of the same Deed Directed any Omission Defect Law Useage or Custom to the Contrary Notwithstanding, Saving to

his Sacred Majesty his heirs & Successors the Lord Proprietary his
 heirs and Successors and all Bodies Politick and Corporate and all
 Other persons not herein named their respective Rights.

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An Act to Record and make Valid a Deed of Bargaine and Sale from
 James Gould and Elizabeth his Wife to William Scot and Sarah
 his Wife.

Chap. VII
Liber L, 5
p. 410

Whereas it hath been made Appear to this present Generall As-
 sembly by William Merson of Queen Anns County a minor that the
 said Petitioners Father formerly purchased from a Certain John
 Atkinson and Elizabeth his Wife the Moiety or half part of a Tract
 or parcell of Land Called Middle Plantation then Lying in Talbot
 County but now in Queen Anns County which said John Atkinson
 had right unto the said Land by Devise from a Certain Robert
 Robertson which said Robert Robertson purchased the said Land
 from a Certain William Scot and Sarah his wife who before that
 purchased the Same from a Certain James Gould and Elizabeth his
 Wife.

And Whereas it hath been made further Appear that the Deed from
 the said James Gould and Elizabeth his Wife to the said William
 Scott and Sarah his Wife was duly Executed and Acknowledged
 but Neglected to be Recorded Altho Lodged in the office within the
 time Limited by Law the want of which Recording renders the said
 Petitioners Estate in the said Land precarious wherefore he Humbly
 prayed that he might have Liberty to Record the same Deed in the
 Records of Queen Anns County and that the same Deed when
 Recorded might be as Valid in Law as if the same had been recorded
 within the time Limited by Law And that it might be Enacted.
 And be it Enacted by the Right Honourable the Lord Proprietary by
 and with the Advice and Consent of his Lordships Governour and the
 Upper & Lower Houses of Assembly and the Authority of the same
 that the said Deed of Bargain and Sale be as good and Valid in Law
 to all Intents and purposes as if the same had been recorded within
 the time Limmitted by Law. Provided the Same be Recorded in the
 Records of Queen Anns County Court within Six months from the
 End of this Session of Assembly any Omission of having the same
 Recorded or any Law Statute usage or Custom to the Contrary in
 any wise notwithstanding. Saving to his Sacred Majesty his heirs
 & Successors. To the Right Honourable the Lord Proprietarie his
 heirs & successors & to all Bodies Politick and Corporate and all
 Others not mencōned in this Act their Several & Respective Rights.

p. 411

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis August 19–September 6, 1731.
Being the Fifth Session of the Assembly Elected in 1728.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BENEDICT LEONARD CALVERT,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY

Maryland ss.

At a Generall Assembly of the Province of Maryland begun and held at the City of Annapolis the Nineteenth day of August in the fourth Year of the Reigne of Our Sovereigne Lord George the second and in the Seventeenth year of His Lordships the Lord Proprietaries Dominion &c. Annoq Domini 1731. Being the fifth Session of this present Generall Assembly.

Present

His Excellency Benedict Leonard Calvert Govern^r

The Hono ^{ble}	{ Charles Calvert Esq ^r	Benj ^a Tasker Esq ^r
	{ Co ^l William Holland	Philip Lee Esq ^r
	{ Co ^l Rich ^d Tilghman	Co ^l John Rider
	{ Co ^l Matt. Tilgh. Ward	

Members of the Upper House

M^r Harris and M^r King from the lower House attend and Acquaint His Excellency the Governour that there are a Sufficient Number of Members met to make a House and proceed upon Business and wait His Excellencys Commands.

Whereupon Co^l Richard Tilghman and Co^l Matthew Tilghman Ward are sent to the Lower House to Acquaint them His Excellency

U. H. J. requires the Speaker and the whole House to attend him in the Councill Chamber.

The Speaker and the whole House Accordingly Attend on His Excellency to whom he is pleased to make the following Speech.

p. 105 Gentlemen of the Upper and Lower Houses of Assembly

The near Approach of the time, when your last Tobacco Law will Expire, as to the Stint, I hope will induce you to a Serious Consideration upon the State of your Staple: If no immediate Visible Improvement thereof by Your last Law has yet Approved; That need not, I think Discourage you, The short Continuance of it, could not produce any Considerable Effects, a Trade reduced to such a very Languid State can only revive by Degrees; This I only mention, to obviate an Objection made in Generall by some, As that our late Tobacco Law hath done no Good: If any better Medium of relief can be found to Succour Our Staple, Happy shall we all be in the blessed Discovery; Ye must all have heard what our Merchants write on this Subject, which may be, I think, reduced to this Consideration, that, worse, may yet be worse, If we do not on our parts do some thing to prevent it.

Another matter I must mention, wherein I desire your kind advice and Assistance, I have had some Queries sent to me by the Lords Commissioners for Trade and Plantations, Two whereof I shall Communicate unto you; as the Answers thereto may be of Important Relation to this Country, your joynt advice and Information thereon will be Acceptable to me, I must be pressing to you on this Subject, having reason to think, that full and Speedy Answers to those Queries may be very much desired at home and may possibly prove of use to your Selves.

As this is likely to be the last Session before my Departure for England, I earnestly recommend to you such prudent and wise Course of proceeding therein as that I may be able when at Home, to make a Report Creditable and usefull; For as my Duty will Oblige me to render one faithfull & Exact, so will my true affection to this Province make me very Desirous that it should prove pleasing to our Superiors at home, and thereby Advantageous to the Good People Here.

p. 106 Let then real Loyalty to our most Gracious Sovereigne, Regardfull Duty to Our Lord Proprietary and his Government here, with Mutuall Justice and good Nature amongst your selves animate & direct Your Councils; hence and hence only, shall arise the Glory & Prosperity of the Province of Maryland.

Mr Beale and Mr Warfield from the lower House Acquaint His Excellency that the House hath Appointed Mr Michael Macnemara their Clerk and Hopes for His Excellencys Approbation; His Excel-

lency is pleased to Approve of the said M^r Macnemara, who takes the U. H. J. Oaths to the Government appointed to be taken by Act of Assembly and Subscribed the Abjuration and Test According to the directions of the Act afores^d And also took the usuall Oath of Office & then withdrew.

Adjourned till to Morrow Eight a Clock

Friday Morning 20th August 1731.

Aug. 20

This House met again According to Adjournm^t

Present as Yesterday with the Addition of John Hall Philemon Lloyd and John Rousby Esq^{rs}

A Message from the lower House by M^r Gordon and M^r Courts.

By the lower House of Assembly August 20th 1731

May it please Yo^r Honours

This House hath Resolved that the time of Sitting during this Session be from Eight of the Clock in the Morning to twelve, and from two of the Clock in the Afternoon to Six, and desireth to know if the time proposed be agreeable to your Honours.

Signed p Order M : Macnemara Cl. Lo. Ho.

The following Answer being prepared is sent to the Lower House by John Rousby Esquire

By the Upper House of Assembly 20th August 1731.

p. 107

Gentlemen.

The times of Sitting for the Dispatch of the Publick Business of this Province proposed by your Message of this day by M^r Gordon and M^r Courts are Agreeable to this House.

Signed p Order John Ross Cl. Up. Ho.

Read the petition of the Vestry and others, Inhabitants of Durham Parish praying leave to bring in a bill to Levy Sixty Thousand pounds of Tobacco on the Taxable persons of said parish to build a New Parish Church.

Read the Petition of the Vestry and others the Inhabitants of Durham Parish praying leave to bring in a bill to Add part of Port Tobacco Parish to Durham parish upon the Death or Removall of the present Incumbent.

The above Petitions are referred to the Consideration of the Lower House of Assembly. And Sent by Co^l Ward.

Adjourned till two of the Clock in the afternoon.

U. H. J.

Eodem Die post Meridiem.

This House met again According to Adjournm^t

Present as in the Morning

The Honourable Charles Calvert Esq^r Attended by the rest of the Members of this House wait upon His Excellency the Governour, and present to him their Answer to His most favourable Speech to both Houses of Assembly att the opening of the Session.

- p. 108 To His Excellency Benedict Leonard Calvert Governour and Commander in Chief in and Over the Province of Maryland. The Humble Address of the Upper House of Assembly.

May it please Your Excellency.

The fervent Zeale you have ever Shewn for the welfare of this Province Especially in your kind Speech at the Opening of this Session calls Loudly on us to acknowledge the gratefull sence we have of your good will and repeated favours to the good People thereof; and as your Excellency hath frequently warned us of the sad and Calamitous State of our Declining Staple and Exhorted us Seriously to consider of proper meanes to avert the impending Evils by an Application of Suitable remedies; We should surely be guilty of the greatest Neglect, Did we not Chearfully Embrace, and make the best use of this favourable Opportunity you have been pleased to give us, of deliberating the best meanes of amending the value of Our Staple; And therefore we Humbly take leave to Assure your Excellency we are resolved most Seriously to set about this great work; the Consequence whereof may be of so much concern to the welfare and Advantage of the good People of Maryland.

- The two Queries your Excellency hath Communicated to this House which you have received from the Lords Commissioners of Trade and Plantations in Relation to Our Trade Manufactures and
p. 109 Naturall product we shall be most willing and ready on our parts to give your Excellency the best Information therein our Abilities can furnish us with.

It is with much concern we have received your Excellencys Intimation of leaving this Province in regard we are certain thereby to be deprived of the Happiness we have hitherto Enjoyed under the Influence of your Just and prudent Administration; And we hope our Actions will be so guided with prudence Justice and good Nature in the Consideration of all publick Affairs, as may Enable Your Excellency to make such a Representation thereof as may not only be satisfactory to our Superiors, but Advantagious to the People of Maryland.

The Loyalty we have always shewn to the Kings most Gracious Majestie; The dutifull Zeal and regard for the safety & prosperity of His Lordships person & Government, (We doubt not are recent in the Memory of your Excellency and the good People of this Prov-

ince) for whose safety prosperity and happiness we resolve to U. H. J.
Employ our best Councils with the greatest Calmness and Temper
of Mind.

Which Address was Subscribed by all the Members present.
Adjourned till to Morrow Morning Eight a Clock

Saturday Morning 21st August 1731.

Aug. 21

This House met again According to Adjournment.

Present as Yesterday Except Philemon Loyd Esquire.

A Bill from the lower House by Co^l Greenfield & Eleven more
Entituled an Act for Reviving an Act for the Tryal of all matters of
fact in the severall Countys where they have Arisen or shall Arise, the
Continuance of Causes in the Provincial Court and Adjournment of p. 110
that Court with the Supplementary Act thereto thus Endorsed.

By the lower House of Assembly 20th August 1731.

Read the first time & ordered to lye on the Table.

Signed p Order M: Macnemara Cl. Lo. Ho.

By the lower House of Assembly 21st August 1731.

Read the second time and will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table.

Adjourned till two of the Clock in the afternoon.

Eodem Die post Meridiem.

This House met again According to Adjournm^t

Present as in the Morning Except Col. Holland and Col. Ward.

Read the petition of the Rector Vestrymen and Churchwardens of
St Paul's parish in Prince Georges County praying leave to bring in
a bill to Levy Ten pounds of Tobacco p Poll on the Inhabitants of St
Paul's parish untill they have a Sufficiency to Build them a New
Church and referred to the Consideration of the lower House of
Assembly.

Sent by Coll Rider.

His Excellency is pleased to Communicate His Answer to the
Address of this House in the words following.

Gentlemen.

Your very kind Address is most Acceptable unto me, As I most p. 111
Heartily thank you for the advice and Assistance wherewith you

U. H. J. have heretofore Aided me, in my Publick cares for this Province so must I desire the Continuance of the Same measure of your will towards me, Your Constant Zeal towards our Loyall Sovereigne and every branch of His Delegated Authority here joyned to a Tender concern for the good of the People, in all other respects shew that you have a Just sence of the Basis, whereon only can be Established the true Happiness of Maryland.

Bend^t Leonard Calvert.

A Bill from the lower House by M^r Harris and Twelve more Entituled an Act to make & Emit Thirty six Thousand pounds Current Money of Maryland in bills of Credit and for easing the Inhabitants of this Province in the payment of Debts and to raise a fund to sink the said Bills of Credit, thus Endorsed

By the lower House of Assembly 21st August 1731
Read the first time & ordered to lye on the Table.

Signed p Order M : Macnemara Cl. Lo. Ho.

By the lower House of Assembly 21st August 1731.
Read the second time and will Pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Adjourned till Monday Morning Eight a Clock.

Aug. 23

Monday Morning 23^d August 1731

This House met again According to Adjournment

Present

The Hono ^{ble}	{	Charles Calvert Esq ^r	Benj ^a Tasker Esq ^r
		John Hall Esq ^r	Philip Lee Esq ^r
		Co ^l Richard Tilghman	Col. John Rider
		John Rousby Esq ^r	

Members of the Upper House.

p. 112 Read the Petition of William Ennals of Dorchester County Gentleman praying leave to bring in a Bill to Aid and Supply the Defects & Omissions in the Acknowledgement & Enrolment of a Deed of Bargain and Sale of a Tract of Land called the Ponds from Edward Mitchel to John Ward, and referred to the Consideration of the lower House of Assembly

Sent by Philip Lee Esq^r

Read the petition of Charles Slye praying a Bill may pass in his favour for an allowance for his Care in Instructing the Militia of

this Province in their severall Disciplines, and recommended to the U. H. J. lower House of Assembly.

Sent by Benjamin Tasker Esq^r

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem.

This House met again According to Adjournm^t

Present as in the Morning with the Addition of Philemon Lloyd Esq^r

The Speaker attended by all the Members of the lower House present to this House a bill Entituled an Act Ascertainig the form of the Oath of Judge or Justice, thus Endorsed.

By the lower House of Assembly 23^d August 1731

Read the first and second time by an Especial Order and will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

A Bill from the lower House by M^r Crabb and M^r Thompson Entituled an Act to remedy Defective Probates of Accounts and giving further time for proving Accounts, thus Endorsed.

By the lower House of Assembly 23^d August 1731

Read the first and second time by an Especial Order and will Pass. p. 113

Signed p Order M : Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight a Clock

Tuesday Morning 24th August 1731.

Aug. 24

This House met again According to Adjournment

Present as Yesterday with the Addition of Col. Holland & Col. Ward.

A Bill from the lower House by M^r Tolly and M^r Hamilton Entituled an Act for the further Assesment of Thirty Thousand pounds of Tobacco on the Inhabitants of S^t Paul's parish in Baltimore County, thus Endorsed.

By the lower House of Assembly 23^d August 1731

Read the first & second time by an Especial Order and will pass.

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table

U. H. J. Read the second time the bill Entituled an Act to remedy defective probates of Accounts and giving further time for proving Accounts and ordered to be thus Endorsed.

By the Upper House of Assembly 24th August 1731

Read the second time and will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by John Rousby Esq^r

Read the severall Petitions of Richard Smith James Mason and Benjamin Hilliard languishing prisoners in Prince Georges County Goal, John Norwood languishing Prisoner in Ann Arundell County Goal and Thomas Vernal languishing prisoner in S^t Mary's County Goal and referred to the Consideration of the lower House of Assembly

Sent by Col Ward.

p. 114 Read the Petition of Robert Cardiff languishing prisoner in Talbott County Goal and referred to the Consideration of the lower House of Assembly.

Sent by Col Tilghman.

A Bill from the lower House by M^r Crabb & Co^l Belt Entituled an Act for the Assessment of Ten pounds of Tobacco ꝑ poll on the Taxable persons in S^t Pauls ꝑish in Prince George's County the next Levy alsoe for the Assessing Ten ꝑ poll yearly on the Taxable persons in said parish untill they shall have raised Sufficient to Compleat a Church & Chappell in said ꝑish thus Endorsed.

By the lower House of Assembly 24th August 1731

Read the first and second time by an Especial Order, and will pass.

Signed ꝑ Order M : Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table
Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to adjournm^t

Present as in the Morning

A Bill from the lower House by M^r Dashiel & M^r Knight Entituled an Act for the Reviving an Act of Assembly for the Releiving the inhabitants of this Province from some Aggreivances in the prosecutions of Suits at Law for Reviving and Continuing the Supplementary Act thereto, thus Endorsed.

By the lower House of Assembly 24th August 1731

U. H. J.
p. 115

Read the first and second time by an Especial order and will pass

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table.

A Bill from the lower House by M^r Beale and M^r Key Entituled
An Act for Reviving An Act of Assembly Entituled an Act for the
Advancement of Justice alsoe An Act of Assembly Entituled a Sup-
plementary Act for the Advancement of Justice, thus Endorsed

By the lower House of Assembly 24th August 1731

Read the first and second time by an Especial Order and will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

Adjourned till to Morrow Morning Eight a Clock.

Wednesday Morning 25th August 1731.

Aug. 25

This House met again According to Adjournm^t

Present as Yesterday

Read the second time the bill Entituled an Act for Reviving an
Act of Assembly Entituled an Act for the Advancement of Justice,
Also An Act of Assembly Entituled a Supplementary Act for the
Advancement of Justice, and ordered to be Endorsed.

By the Upper House of Assembly 25th August 1731

Read the second time and will pass.

Signed p Order John Ross Cl. Up. Ho.

Sent by John Hall Esq^r

Read the second time the bill Entituled an Act for Reviving an
Act of Assembly Entituled an Act for Releiving the Inhabitants of
this Province from some Aggrievances in the prosecution of Suits
at Law and for Reviving and Continuing the Supplementary Act
thereto, and ordered to be Endorsed

By the Upper House of Assembly 25th August 1731

Read the second time and will pass

p. 116

Signed p order John Ross Cl. Up. Ho.

Sent by Col Holland.

Read the second time the bill Entituled An Act for the further
Assessment of Thirty Thousand pounds of Tobacco on the In-

U. H. J. habitants of S^t Paul's parish in Baltemore County and Ordered to be Endorsed.

By the Upper House of Assembly 25th August 1731

Read the second time and will Pass.

Signed p Order John Ross Cl Upper Ho.

Sent by Benjamin Tasker Esq^r

Read the Petition of John Baldwin late Sheriff of Cecill County, and Rejected.

A Bill from the lower House by Col Belt and Six more Entituled an Act for Relief of Richard Smith William Nimmo George Clagett William Burston & James Mason languishing Prisoners in Prince Georges County Goal; William Robertson Richard Roper & John Norwood languishing prisoners in Ann Arundell County Goal, Thomas Taylor a languishing prisoner in Baltemore County Goal, Edward Hyatt a languishing prisoner in Kent County Goal, Richard Barrow Thomas Browne John Clarke and Robert Cardiff languishing prisoners in Talbott County Goal, Thomas Vernal a languishing prisoner in S^t Marys County Goal and Daniel Hall a languishing prisoner in Cecill County Goal, thus Endorsed.

By the lower House of Assembly 25th August 1731.

Read the first and second time by an Especial Order and will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

p. 117 Read the first time in this House and ordered to lye on the Table.

A Bill from the lower House by M^r Kennard & M^r Blackiston Entituled an Act to supply some Defects in a Deed of Bargaine and Sale from Edward Mitchel of Kent County Gentl to John Ward of Cecill County Gentl and from the said Ward to William Ennalls of Dorchester County Gentl of a peice of Land called the Ponds lying in Kent County afores^d thus Endorsed

By the lower House of Assembly 25th August 1731

Read the first and second time by an Especial Order and will Pass.

Signed p Order M: Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.
Adjourned till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again According to Adjournment
Present as in the Morning

Two Engrossed Bills from the lower House by M^r Crabb and M^r U. H. J. Robins one Entituled an Act for Reviving an Act of Assembly Entituled an Act for the advancement of Justice as alsoe an Act of Assembly Entituled a Supplementary Act for the Advancement of Justice. The other an Act to remedy Defective probates of Acco^{ts} and giving further time for proving Accounts, Severally thus Subscribed.

August 25th 1731

Read & Assented to by the lower House of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

Read & Assented to by this House and ordered to be Severally so Subscribed, The paper bills so Endorsed are sent to the lower House by Col. Rider.

Read the first time the bill Entituled an Act to make & Emit Thirty p. 118
six Thousand pounds Current Money of Maryland in bills of Credit & for easing the Inhabitants of this Province in the payment of Debts & to raise a fund to sink the s^d Bills of Creditt, and Ordered to lye on the Table.

A Bill from the lower House by M^r Brannock and M^r Kirk Entituled an Act to Oblige the Severall Officers within this Province to write their fees in words at full length & for Clerks to deliver Bills of Cost if required, thus Endorsed.

By the lower House of Assembly 24th August 1731

Read the first time & ordered to lye on the Table

Signed p Order M Macnemara Cl. Lo. Ho.

By the lower House of Assembly 25th August 1731

Read the second time and will Pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

A Bill from the lower House by M^r Taylor and M^r Kirk Entituled an Act to Supply some defects in a Deed of bargain & Sale from William Green Sen^r of Dorchester County to Col John Rider of the same County of three Tracts of land viz. The one called Marsh Island, One called Greens priviledge, and the other called Greens Adventure, all lying & being in the County afores^d thus p. 119
Endorsed.

By the lower House of Assembly 25th August 1731.

Read the first and second time by an Especial Order and will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

U. H. J. Read the first time in this House and Ordered to lye on the Table
Adjourned till to morrow Morning Eight a Clock.

Aug. 26

Thursday Morning 26th August 1731

This House met again According to Adjournm^t

Present as Yesterday

Two Engrossed bills from the lower House by Col Ennals and M^r Thompson one Entituled An Act for the further Assessment of Thirty Thousand pounds of Tobacco on the Inhabitants of S^t Pauls parish in Baltemore County, The other Entituled an Act reviving an Act for the Releiving the Inhabitants of this Province from some Aggrievances in the prosecution of Suites at Law & for reviving & Continuing the Supplementary Act thereto, Severally thus Subscribed

26th August 1731

Read & Assented to by the lower House of Assembly

Signed p Order M Macnemara Cl Lo: Ho.

Read & Assented to by this House and Ordered to be Severally so Subscribed, The paper bills so Endorsed are Sent to the lower House by Col Rider.

Read the second time the bill Entituled an Act to Supply some defects in a deed of bargain & Sale from Edward Mitchel of Kent County Gentl to John Ward of Cecill County Gentl and from the said Ward to William Ennals of Dorchester County Gentl of a peice of Land called the Ponds lying in Kent County afores^d & will pass and ordered to be so Endorsed.

Sent to the lower House by Benjamin Tasker Esq^r

Read the second time the bill Entituled an Act to Supply some defects in a Deed of bargaine & Sale from William Green Sen^r of Dorchester County to Col John Rider of the same County of three Tracts of Land Viz. the one called Marsh Island, one called Greens previledge and the other called Green's Adventure all lying & being in the County afors^d & will pass, & ordered to be so Endorsed.

Sent to the lower House by John Rousby Esq^r

p. 120 A bill from the lower House by M^r Belt & M^r Sprigg Entituled a Supplementary Act to an Act Entituled an Act for Settling the Rates of foreign Silver Coins within this Province thus Endorsed.

By the lower House of Assembly 25th August 1731

Read the first time & Ordered to lye on the Table

Signed p Order M Macnemara Cl. Lo. Ho.

By the lower House of Assembly August 26th 1731

U. H. J.

Read the second time and will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem.

This House met again According to Adjournm^t

Present as in the Morning.

A Message from the lower House by M^r Harris and M^r Johnson.

By the Lower House of Assembly 26th August 1731

May it please Yo^r Honours

It Appears by the Votes of the House of Commons of the fifth of May last, That it was resolved an Humble Address should be presented to his Majestie, that he would be Graciously pleased to give directions to the Commissioners for Trade and Plantations to prepare a representation, to be laid before the House of Commons, in the next Session of Parliament of the State of His Majesties Colonies & Plantations in America with respect to any Laws made, Manufactures set Up & Trade carried on there, w^{ch} may Effect the Trade Navigation & Manufactures of Great Brittain, and that the Same day a Motion was made & a Question Proposed that an Humble Address should be presented to His Majestie, That he would be Graciously pleased to give such Orders & Instructions to the severall Govern^{rs} of His Colonies & plantations in America as His Maj^{tie} should think Proper to prevent the setting up, or to Discourage the Improvement, in any of the s^d Colonies of Woollen, Linnen, Iron and other Manufactures w^{ch} may Interfere with & be prejudicial to the Manufactures of Great Brittain. p. 121

Your Honours are Sensible that Tobacco is the only Staple of this Province & the produce of that Comodity the only Dependance the People have of getting Common Necessarys for themselves & their Familys from Great Brittain, That at present & for some Years past, the produce of Tobacco has been so far from being Sufficient to furnish People with Clothing even of the Coarsest sort, That great Numbers of the Inhabitants might have gone Naked had they not Manufactured a little Wooll & Flax, and by their Industry that way made up in some Measure the Deficiency of the Necessary's w^{ch} their Crops of Tobacco would not Supply them wth This being well known to Your Honours to be the present Case of Maryland, We need use no Arguments to induce you to believe, that should any Act of the Brittish Parliament be made to hinder the People here from making such Necessarys for themselves as the fruits of their labour,

U. H. J. when Applied to the making of Tobacco will not produce, their Condition would be as deplorable as can be conceived; And we cannot think of any better Expedient to prevent so great a Misfortune than the Appointing an Agent to represent Our Condition, which when truly & fairly done we cannot be under the least Apprehension that the Brittish Parliament will do any thing whereby we may be deprived of the meanes of Supporting ourselves and family's with the Common Necessarys of life, which in the present sad State of our Trade is all that we can Hope for.

We therefore desire your Honours Concurrence in the Appointing
p. 122 an Agent for this Province with such a Salary as may be suitable to the Service we May Justly Expect from him, or to joyn with this House in any other Measures as may be thought most proper to Avert so Imminent a Danger.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House a bill prepared in this House Entituled an Act for the Amendment of the Staple of Tobacco by Destroying the Trash and ordered to lye on the Table.

An Engrossed bill from the lower House by M^r Dashiel and M^r Taylor Entituled an Act to Supply Some defects in a Deed of bargain & Sale from Edward Mitchel of Kent County Gentl to John Ward of Cecil County Gentl and from the s^d Ward to William Ennals of Dorchester County Gentl. of a peice of Land called the Ponds lying in Kent County afores^d thus Subscribed.

26th August 1731.

Read & Assented to by the lower House of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

Read and Assented to by this House and ordered to be so Subscribed, the Paper bill so Endorsed is Sent to the lower House by Col Rider.

An Engrossed bill from the lower House by Col Ennals & M^r Brannock Entituled an Act to Supply some Defects in a Deed of bargain & Sale from William Green Sen^r of Dorchester County to Col John Rider of the same County thus Subscribed

August 26th 1731

Read & Assented to by the lower House of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

Read and Assented to by this House and Ordered to be so Subscribed, the paper bill so Endorsed is Sent to the lower House by Col Rider.

p. 123 Adjourned till to Morrow Morning Eight a Clock

Friday Morning 27th August 1731.

U. H. J.
Aug. 27

This House met again According to Adjournm^t

Present as Yesterday

A Bill from the lower House by Col. Hermant & M^r Knight Entituled an Act to Supply some defects in a Deed of bargain & Sale from Edward Warner late of London in the Kingdom of Great Brittain Deceased to William Husbands late of Cecil County Decēd. of two Tracts of Land Viz. the one called Stillington the other called Chance both lying & being in Cecil County, thus Endorsed.

By the lower House of Assembly 27th August 1731

Read the first & Second time by an Especial order and will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Adjourned till two of the Clock in the afternoon.

Eodem Die Post Meridiem

This House met again According to Adjournment

Present as in the Morning

Read the second time the bill Entituled an Act for the Amendment of the Staple of Tobacco by destroying the Trash.

The Question being put whether the Consumption of Trash shall be According to the Number of Tobacco makers proposed in the bill or in proportion to the number of plants, Resolved that it be in proportion to the Number of plants, Ordered that Philemon Lloyd Esq^r Col Tilghman and Col Ward prepare a bill accordingly,

A Bill from the lower House by M^r Crabb & M^r Belt Entituled an Act for the laying out the Towne a New called Marlborough Town in Prince Georges County & for Ascertaining the bounds thereof,

By the lower House of Assembly August 27th 1731

Read the first time & ordered to lye on the Table.

p. 124

Signed p Order M. Macnemara Cl. Lo. Ho.

By the lower House of Assembly 27th August 1731

Read the second time and will pass

Signed p Order M. Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight a Clock.

Saturday Morning 28th Augst 1731.

Aug. 28

This House met again According to Adjournment

U. H. J. Present as Yesterday

Read the first [time] the bill Entituled an Act to Supply some Defects in a deed of bargain & Sale from Edward Warner late of London in the Kingdom of Great Brittain Decēd to William Husband late of Cecil County Decēd of Two Tracts of Land Viz. the One called Stillington and the other called Chance both lying & being in Cecil County, & ordered to lye on the Table.

Read the first time the bill Entituled an Act for the laying out the Towne a New called Marlborough Towne in Prince Georges County & for Ascertaining the Bounds thereof & ordered to lye on the Table.

Read the Second time the bill Entituled an Act to Oblige the Severall Officers within this Province to write their fees in words at full length and for Clerks to deliver bills of Cost if required & ordered to be thus Endorsed.

By the Upper House of Assembly 28th August 1731

Read the second time and will pass with the following Amendments, that in the third line instead of the word, *they* be put the words, *the people*, & one halfe of the forfeiture be Applied to the Informer

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Col Ward.

p. 125 Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment.

Present as in the Morning Except Col Holland and Philip Lee Esq^r

Read the second time the bill Entituled an Act for the Assessment of Ten pounds of Tobacco ꝑ poll on the Taxable persons in S^t Paul's ꝑish in Prince Georges County the next Levy alsoe for the Assessing Ten ꝑ poll Yearly on the Taxable persons in s^d ꝑish untill they shall have raised Sufficient to Compleat a Church and Chappell in said parish & ordered to be thus Endorsed.

By the [Upper] House of Assembly 28th August 1731

Read the second time & will pass with the Amendm^t proposed in a Message herewith Sent.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the lower House with the following Message by John Hall Esq^r

By the Upper House of Assembly 28th August 1731.

U. H. J.

Gentlemen

This being a bill for Assessment of the Taxable persons in St Pauls parish not only toward building a Church but alsoe a Chappell, which being contrary to the Petitioners Request this House cannot Agree thereto unless the said Bill be altered so as the Tobacco be Applied to the building a Church only.

Signed p Order John Ross Cl. Up. Ho.

An Engrossed bill from the lower House by Mr Wilson & Mr Thompson Entituled an Act to Oblige the Severall Officers within this Province to write their fees in words at full length & for Clerks to deliver bills of Cost if required, thus Subscribed

28th August 1731.

Read & Assented to by the lower House of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

Read & Assented to by this House & Ordered to be so subscribed, p. 126 the paper bill so Endorsed is sent to the lower House by Col Rider.

Adjourned till Monday Morning Eight a Clock

Monday Morning 30th August 1731.

Aug. 30

This House met again According to Adjournm^t

Present

The Honöble	{	Charles Calvert Esq ^r	John Rousby Esq ^r
		Col. Rich ^d Tilghman	Benj ^a Tasker Esq ^r
		Col. M. Tilgh. Ward	Col. John Rider

Members of the Upper House

Read the petition of the freeholders & other Inhabitants of Queen Ann's County praying leave to bring in a bill to lay out a Town on a point of Land commonly known by the name of the prize house point on Chester River in Queen Ann's County and referred to the Consideration of the lower house of Assembly.

Sent by Benjamin Tasker Esq^r

Read the second time the bill Entituled a Supplementary Act to an Act Entituled an Act for Setling the rates of foreign Silver Coin within this Province & will pass with the following Amendm^{ts} That instead of the word *Money*, in the first, fifth, Seventh, & Eighth, lines of the second page put, *Gold*

And we alsoe Observe that all foreign Silver Coins not mentioned in the Act of Assembly for Setling the rates of foreign Silver Coins

U. H. J. within this Province are made of Equall Value in proportion to their weight with Mexico & pillar peices of Eight, Whereas many German & other Silver Coins are of so base an Alloy, That their Intrinsick Value will not near Equal that proportion And for that we are not at present provided with any Expedient to discover the real Intrinsick Value of such base foreign Silver Coins We think it better to Omit that Paragraph in this bill which relates to the Regulation
 p. 127 of Silver Coins And leave it to the direction of our former Act of Assembly for that purpose which is Agreeable to the Act of Parliament for Ascertaining the rates of foreign Coins in the plantations in America made in the Sixth Year of the Reigne of Queen Anne.
 Signed ꝓ Order John Ross Cl. Up. Ho.

Sent to the lower House by John Rousby Esq^r

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning with the Addition of Col Holland & John Hall Esq^r

Read the second time the bill Entituled an Act to Supply some defects in a Deed of bargain & Sale from Edward Warner late of London in the Kingdom of Great Brittain Decēd to William Husbands late of Cecil County Decēd of Two Tracts of Land Viz. the one called Stillington & the other called Chance and will pass. Signed ꝓ Order John Ross Cl. Up. Ho.

Sent by Col. Ward.

Read the petition of Col John Rider praying leave to bring in a bill to cut off the Entail of a Tract of land called Fulham & to Settle other lands in lieu thereof & recommended to the Consideration of the lower House of Assembly.

Sent down by John Hall Esq^r

Read the first time the bill prepared in this House Entituled an Act for the Amendment of the Staple of Tobacco by destroying the Trash and Ordered to lye on the Table.

Adjourned till to Morrow Morning Eight a Clock

Aug. 31

Tuesday Morning 31st August 1731

This House met again According to Adjournment

Present as Yesterday.

p. 128 A Message from the lower House with the Bill Entituled a Supplementary Act to an Act Entituled an Act for Settling the Rates of foreign Silver Coins within this Province.

By M^r Dashiel & M^r Blackiston

By the lower House of Assembly August 31st 1731.

U. H. J.

May it please Yo^r Honours

This House agreeth to all the Amendments proposed by your House to the bill Entituled a Supplementary Act to an Act Entituled an Act for Setling the rates of foreign Silver Coins within this Province, Except to the leaving out Spread Eagle Dollars that alteration this House cannot Consent to because the Circulation of them at a Certain rate is Necessary for this Province, Therefore we have ordered that they pass Current at four shillings & Six pence each Spread Eagle Dollar and propose that that Amendment be made to the s^d bill which if done the Bill will pass.

Signed p order M. Macnemara Cl. Lo. Ho.

The Question being put whether Spread Eagle Dollars shall be continued in the bill above mencōned Resolved in the Affirmative.

The Question being put whether the s^d Spread Eagle Dollars shall be incerted at the value of four Shillings or four Shillings & three pence Currency Resolved that they be incerted at four Shillings Currency

A bill from the lower House by M^r Smith & M^r Hemsley Entituled an Act to prohibit the raising of Hoggs in any Towne within this Province, thus Endorsed

By the lower House of Assembly 30 August 1731

Read the first time & ordered to lye on the Table.

Signed p Order M. Macnemara Cl. Lo. Ho.

By the lower House of Assembly 31st August 1731

p. 129

Read the second time and will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table.

A Message from the lower House by Col Gale and M^r Robins

By the lower House of Assembly August 31st 1731

May it please Yo^r Honours

His Excellency the Governour in his Speech at the Opening this Session mentioned two Queries sent him by the Right Hono^{ble} the Lords Commissioners for Trade & plantations and desired the Joint advice & Information of both Houses in giving Answers to them as a matter of great Importance to this Province, And this House being of Opinion that the utmost care ought to be taken to be very Exact in the Information to be given to the Governour by both Houses desire your Hon^{rs} to appoint some Members of your House to Joyn

U. H. J. with some Members of this House as a Committee to Examine the books & Entries of the Severall Officers concerning the Exports, and to take such further measures as the Committee to be Appointed shall think proper for the Discovery of the Truth the better to Enable both Houses to Assist the Governour in giving full particular and true Answers to the said Queries.

Signed p Order M Macnemara Cl Lo Ho.

The following Message being prepared is Sent to the lower House by John Hall Esq^r

By the Upper House of Assembly 31st August 1731

Gentlemen

p. 130 In answer to your Message of this day by M^r Dashiel & M^r Blackiston this House is willing That spread Eagle Dollars be incerted in the bill Entituled a Supplementary Act to an Act Entituled an Act for Setling the Rates of foreign Silver Coins within this Province provided that the Current price for each Spread Eagle Dollar therein to be incerted be four shillings

Signed p Order John Ross Cl. Up. Ho.

Read the second time the bill Entituled an Act for the Amendment of the Staple of Tobacco by destroying the Trash & will pass, and Ordered to be so Endorsed, Sent to the lower House by Col Holland Col. Tilghman & Col Ward.

A Message from the lower House by M^r Beale & M^r Sprigg.

By the lower House of Assembly August 31st 1731

May it please Yo^r Honours

This House cannot agree to the Amendments proposed by your Hono^{rs} to the bill Entituled a Supplementary Act to an Act Entituled an Act for Setling the rates of foreign Silver Coins within this Province in your Message of this day by John Hall Esq^r Therefore hope your Hon^{rs} will pass the bill as proposed by this House in our Message by Cap^{tn} Dashiel & Cap^t Blackiston.

Signed p Order M. Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning with the Addition of Philip Lee Esq^r

The Question being put whether the bill Entituled an Act for Reviving an Act for the Tryal of all matters of fact in the Severall

Counties where they have Arisen or shall arise the Continuance of U. H. J. Causes in the Provincial Court & Adjournm^t of that Court with the Supplementary Act thereto be revived by this House or not? Resolved in the Affirmative.

Read the second time the bill Entituled an Act for reviving an Act for the Tryall of all matters of fact in the Severall Countys where p. 131 they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court with the Supplementary Act thereto & ordered to be thus Endorsed.

By the Upper House of Assembly 31st August 1731

Read the second time and with the Amendments herewith Sent will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

By the Upper House of Assembly 31st August 1731

Amendments proposed to the Assize Bill

The words as alsoe the making some further Amendment to the said bill to be Added to the Title, And in the last line of the first Side instead of the word, three be put the word, *one*, and in the first line of the second side put the word *one* instead of *three*, And the following clause to be Added. And be it further Enacted by the Authority Advice & Consent aforesaid that nothing in this Act contained shall Extend or be construed to debarr or take away the Authority and Jurisdiction of the Justices of the Provincial Court, in the Inquiry hearing, Determining & punishing of any such Crime or Crimes of high Treason or Misprison of Treason Sedition or Riot or any such Contempts against the person of the Kings most Sacred Majestie his Crowne & Dignity or against the person Courts or Government of the Lord Proprietary or any other such Contempts against the Rights priviledges & prerogatives granted to the Right Hon^{ble} the Lord Proprietary by the Royal Charter for the Greater Dignity & Security of his Government within this his Province as the said Justices of the Provincial Court might have Enquired into heard determined and punished, before the making of the Act hereby & herein Intended to be revived: But that all such Crimes of High Treason, Misprison of Treason Sedition Riot & Contempts shall & may be Enquired of heard & determined & after Legal Conviction punished According to Law before & by his Lordships Justices of & p. 132 in the Provincial Court if to them it shall seem meet. And if the Justices of Oyer & Terminer & Goal Delivery shall not before have thought it fitt & proper to proceed in the Enquiry hearing and Determination of the same. And the said Justices of the Provincial Court for the Enquiry hearing of them shall & may cause to be summoned any Jury or Juries Witness or Witnesses as Oft as Occasion or need

U. H. J. shall require in the same manner as Juries or Witnesses have been Summoned for Tryal at Barr; and the Sheriff or Sheriffs who shall be Commanded by the said Justices to Summon such Jury & the party so Summoned as a Juror or Witness or any of them making default or neglecting (without lawfull Excuse to be allowed by the said Justices) to Obey such directions of the said Justices or the s^d Summons shall be lyable to the same forfeitures & penalties, And to be inflicted, Recovered, Levyed, & Applied as directed by an Act causing Grand & Petty Jurors and Wittnesses to come to the Provincial & County Courts & Ascertaining their Allowances.

And forasmuch as the time Appointed by the afores^d Act of Assembly herein & hereby Intended to be revived for the Justices of Assize Nisi prius Oyer & Terminer & Goal Delivery to go to the severall Counties of this Province is so near that it will be very Difficult if not Impracticable to prepare the Comm^{ss}ions for the Justices af^d the Transcripts of the Records of the proceedings pleadings & Issues in the Severall Causes for Tryall & the Summonses and other previous requisites necessary for the Tryal of such Causes in time According to the Directions of the said Act. Be it therefore Enacted by the Authority af^d by & with the advice & consent af^d that the Justices of Assize Nisi prius Oyer & Terminer & Goal Delivery appointed according to the directions of the said Act, And the Secretary, Clerks, Attornies, Sheriffs, & all other Officers shall be & are hereby Exempted & Excused from all or any fines forfeitures punishment^{ts} or penalties by the af^d Act hereby revived or by this Act Imposed for any failure neglect or Omission in going the Circuit in September next or for any other matter or thing required to be done by them or any of them in their Severall & respective Offices by this Act or the Act hereby revived relating thereunto And that it shall & may be lawfull for the Justices of the Provincial Court to be in October next (if to them it shall seem meet) to continue any Action or Actions Appointed to be tried in any County of this Province & which cannot be Tried before the Justices of the Circuit in September next untill the Provincial Court which shall be held in May next Ensuing any thing in this Act or in the Act hereby revived or in an Act of Assembly Entituled an Act to limitt the continuance of Actions in Severall Courts within this Province & Ascertaining the manner of taking the Evidence of Sea faring men & for granting Appeals from the Chancery Court to the Govern^r & Councill or any other Act to the Contrary notwithstanding

Signed p Order John Ross Cl. Up. Ho.

Sent by Benjamin Tasker & Philip Lee Esq^r & Col Rider

The following Message being prepared is sent to the lower House by John Rousby Esq^r

By the Upper House of Assembly 31st August 1731.

U. H. J.

Gentlemen

The Bill Entituled a Supplementary Act to the Act Entituled an Act for Setling the Rates of foreign Silver Coins within this Province will not pass this House but According to the Limitation of the Current price of Spread Eagle Dollars at four shillings as proposed by our Message of this day by John Hall Esq^r

Signed ꝑ Order John Ross Cl. Up. Ho.

An Engrossed bill from the lower House by Col Gale & M^r George Entituled a Supplementary Act to an Act Entituled an Act for Setling the Rates of foreign Silver Coins within this Province thus Subscribed

August 31st 1731

Read & Assented to by the lower House of Assembly

p. 134

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read & Assented to by this House & Ordered to be so Subscribed, the paper bill so Endorsed is sent to the Lower House by Benjamin Tasker Esq^r

Adjourned till to Morrow Morning Eight a Clock

Wednesday Morning 1st September 1731.

Sept. 1

This House met again according to Adjournm^t

Present as Yesterday

The following Message being prepared is Sent to the lower House by John Rousby Esq^r

By the Upper House of Assembly 1st September 1731.

Gentlemen.

In answer to your Message of Yesterday by Col. Gale & M^r Robins This House hath nominated John Rousby Benjamin Tasker & Philip Lee Esq^r to Join in a Committee with such of your Members as your House shall Appoint for the purpose contained in the said Message who will be ready to Attend at the House of M^r Peter Overard Imediately

Signed ꝑ Order John Ross Cl. Up. Ho.

A Message from the lower [House] by M^r Harris & M^r King

By the lower House of Assembly September 1st 1731

May it please Yo^r Honours.

In Answer to your Message of this day by John Rousby Esq^r this House hath Appointed M^r Dulany Col Gale Major King M^r Stough-

U. H. J. ton M^r Harris & Col Ennals to Join the Members Appointed by Yo^r House who will be ready to Attend at the House of M^r Peter Overard Imediately

Signed p Order M. Macnemara Cl. Lo. Ho.

p. 135 Read the second time the bill for Emitting Thirty Six Thousand pounds Current money of Maryland in Bills of Credit & for Easing the Inhabitants of this Province in the payment of Debts and to raise a fund to sink the said bills of Credit, & Ordered to be thus Endorsed.

By the Upper House of Assembly 25th August 1731.

Read the first time & Ordered to lye on the Table

Signed p Order John Ross Cl. Up. Ho.

1st September 1731

Having read & considered the within bill we propose the following Amendments, ffirst that the bill be so altered as that any part of it may not be put in Execution untill His Lordships Assent shall be obtained thereunto; Secondly that it might not have a Retrospect so as to Oblige any Creditors to receive the paper Currency thereby remitted in discharge of any debts contracted before the passing of the bill, Thirdly that as all the Levys cannot be paid in paper Currency & paying a part of them will make such a Confusion & Difficulty in the Sheriffs Accounts & Collections as cannot well be Reconciled. That therefore no part of the Levies be paid in paper Currency; ffourthly that a provision be made to secure the said Paper Currency when Transmitted into the Severall Counties; ffifthly that an Exemption of Councillors, Delegates, Magistrates, Clergymen, Sheriffs, & Physicians from Serving as burners of Tobacco be Added to the said bill; Sixthly that five Commissioners be Appointed to Assigne & Emitt the Paper Currency whereof any three may be Impowered to Act & to be changed and removed & new ones Appointed by the Governour or President for the time being in the Absence of the Governour as well out of Assembly time if he shall think proper as in Assembly time on Application of the Generall Assembly, And in the fifth line of the Eighteenth page between the
p. 136 words *made* and *between*, put the words, for *Current Money*, The Bill being made conformable to these Amendm^{ts} will pass

Signed p Order John Ross Cl. Up. Ho.

Sent to the lower House by John Hall Esq^r Col. Tilghman and Col. Ward.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.

This House met again According to Adjournment

Present as in the Morning

John Rousby Esq^r from the Committee appointed to draw up an Answer to the Governour in Relation to the Queries shewn to this House at the Opening this Session Delivers the Report as follows.

By the Committee of both Houses met at Peter Overards at Annapolis
September the 1st 1731

To Examine & Enquire what Trade this Province hath with any foreign Plantations or any part of Europe besides Great Brittain, How that Trade is Carried on what Commodities the People send to or receive from foreing Plantations, What is the Naturall produce of the Country Staple Comodities & Manufactures besides Tobacco and to what value thereof may be Annually Exported.

The Hono^{ble} { John Rousby Esq^r }
 { Benj^a Tasker Esq^r } Present of the Upper House
 { Philip Lee Esq^r }

The Hono^{ble} { M^r Dulany M^r Stoughton }
 { Col. Gale M^r Harris and } Of the lower House
 { Major King Col. Ennals }

The Committee Chose John Rousby Esq^r Chairman and Appointed p. 137
Thomas Clarke to be their Clerke

Your Committee having Considered and Examined the papers laid before us consisting Only of lists of Shiping Entred & Cleared in Patuxent from September 29th 1729 to September 29th 1730. And Severall lists of Shiping Entred & Cleared in Oxford from September 29th 1727 to September 29th 1728 containing Accounts of the Imports & Exports in both places & an Account of Imports & Exports into & from Annapolis from August 26th 1729 to August 26th 1730 which are Insufficient to Enable us to give any Certain or particular Information or Assistance to His Excellency the Governour in giving Answers to the Queries mentioned in his Speech to both Houses at the begining of the Sessions, And as your Committee Apprehend that giving true perfect and Exact Answers to the said Queries is of great Importance to the Country, so we conceive the best measures ought to be taken to be truly Informed: Which your Committee Conceives to be a Carefull Examination of the Entries of all the Severall Naval Officers within this Province w^{ch} Entries cannot be had during the Continuance of this Session Therefore your Committee conceives it would be proper and propose that both Houses Joyn in an Application to His Excellency the Governour to order the said Officers to lay the Copies of the said Entries for such

U. H. J. a Number of Years past as shall be thought proper before the Committee to be Appointed to lay the publick Levy or such of them as both Houses shall Agree on, all which is Submitted to the Consideration of both Houses by Your Committee.

Signed ꝑ Order Thomas Clarke Cl. Coñee

A Message from the lower House by M^r King and M^r Ennals.

By the lower House of Assembly September 1st 1731.

May it Please Yo^r Honours

This House on Reading the Report from the Committee of both Houses Appointed to Examine the Entries of the Severall Officers concerning the Exports Approve of the same & have Appointed the Gentlemen of this House that were of that Committee to joyn any Members your House shall Appoint as a Committee to prepare an Address to his Excellency the Governour in relation to the Subject matter in the s^d Report.

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

p. 138 Adjourned till to Morrow Morning Eight a Clock.

Sept. 2

Thursday Morning 2^d September 1731

This House met Again According to Adjournment
Present as Yesterday

Read the Second time the bill Entituled an Act for laying out the Towne a New called Marlborough Towne in Prince Georges County & for Ascertaining the bounds thereof and Ordered to be thus Endorsed.

By the Upper House of Assembly 2^d September 1731

Read the second time & will pass with the following Amendments, This House being informed that M^r Sprigg & M^r Gant have an Interest in the Towne within mentioned, is desirous they may not be inserted as Commissioners in the s^d bill, And hath alsoe thought fitt to nominate Philip Lee Esq^r and M^r Alexander Contee to be Added as Commissioners and that the name of the Towne be Altered to Maryborough, and instead of the words, *one penny Current money*, in the last line but one of the Seventh page put the words, *one penny Sterling Yearly*, and the following Clause to be added, And forasmuch as many Improvements are already made in the said Towne of Considerable value which may be affected by the Measures taken by the said Commissioners in laying out the said Towne much to the prejudice of the Proprietors of such Improvements, Be it Therefore

Enacted by the Authority aforesaid by and with the advice & consent U. H. J. af^d that it shall & may be lawfull for any person or persons who shall think, him, her, or themselves, Aggrieved by the Determination of the said Commissioners within one Month after such Determination to Apply him her or themselves to the Governour or Commander in Chief for the time being for a Commission of Review upon the Determination of the aforesaid Commissioners who is hereby Authorized & Impowered to grant such Commission of Review & to nominate and Appoint five such persons as to him shall Seem meet p. 139 for that purpose whose Determination shall be final; And be it further Enacted by the Authority Advice & Consent aforesaid that the Commissioners of Review or the Major part of them shall & are hereby fully Authorized & Impowered to Summon all such Witnesses as shall to them or any of them be named and shall be vested with all other powers before granted to the Commissioners first nominated by this Act, and the Determination of the said Commissioners of Review shall be returned & recorded in the same manner as the Determination of the Commissioners herein first nominated is by this Act Directed.

Signed p Order John Ross Cl. Up. Ho.

Sent to the lower House by Col Holland.

Read a Second time the bill Entituled an Act to Prohibit the Raising of Hogs in any Towne within this Province, and Ordered to be thus Endorsed

By the Upper House of Assembly 2^d September 1731.

Read a second time & will pass the words, *or to Debarr any person or persons &c* in the Provisoe to the end of the same being left out.

Signed p Order John Ross Cl. Up. Ho.

Sent by Col. Rider

An Engrossed bill from the lower House by Col Herman & M^r Johnson Entituled an Act to Supply some Defects in a Deed of bargain & Sale from Edward Warner late of London in the Kingdom of Great Brittain Decēd to William Husbands late of Cecill County Decēd of Two Tracts of Land Viz. the one called Stillington & the other called Chance, thus Subscribed.

September 2^d 1731.

Read & Assented to by the lower House of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

U. H. J. Read & Assented to by this House & ordered to be so Subscribed, the paper bill so Endorsed, is Sent to the lower House by Benjamin Tasker Esq^r

p. 140 Read the second time the bill Entituled an Act ascertaining the form of the Oath of Judge or Justice & will pass, with the following Amendments, the word *the*, in 1st line of 2^d side, to be left out & the word, such incerted and between the words, *England*, and *Agreeable* put the words, *as are*.

Signed p Order John Ross Cl. Lo. Ho.

Sent by Philip Lee Esq^r

. Adjourned till two of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again According to Adjournm^t

Present as in the Morning

The bill prepared in this House Entituled an Act for the Amendment of the Staple of Tobacco by Destroying the Trash is brought to this House by Col Gale, and thus Endorsed,

By the lower House of Assembly 2^d September 1731.

Read the second time & will not pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight a Clock

Sept. 3

Friday Morning. 3^d Sept^r 1731.

This House met again According to Adjournm^t

Present as Yesterday

A Message from the lower House by M^r Smith and M^r Courts, with the bill for laying out the Town of Marlborough a New.

By the lower House of Assembly

May it please yo^r Honours.

This House hath taken into Consideration the Amendments proposed by Your Honours to the bill for laying out the Towne now called Marlborough, And believe your Honours are Misinformed concerning M^r Gant & M^r Sprigg having an Interest In the Towne (and their Character & probity are unquestionable) tis true they are related to some who are Interested there, And if such a Relation is an Objection to their Acting as Commissioners, Philip Lee Esq^r & M^r Contee proposed by your House are lyable to the same Objection,

p. 141

they being related to persons Interested in the said Towne, And U. H. J. therefore to end all disputes Concerning the Commissioners named in the bill or proposed by your Honours, We propose that John Stoddert & Robert Pottinger persons skilled in Surveying & no way Interested or Related to any that is, be Appointed in the Room of M^r Gant & M^r Sprigg; one penny Current is the rent reserved for every Lott in all other Town's lately laid out, And we cannot conceive any reason for making a Difference in this Instance; We Agree to changing the name to Maryborough.

There never was yet any such Appeal as your Honours propose from the Determination of the Commissioners, and we conceive that such Appeal would Discourage People from taking up Lotts, for fear of Involving themselves in Controversies which would Cost them more than the value of the Lotts, And would likewise Increase the County charge without any necessity that we conceive, And therefore we desire your Honours will pass the bill as it is, only puting M^r Stoddert & M^r Pottinger Commissioners in the room of M^r Gant and M^r Sprigg and Altering the name to Maryborough

Signed p Order M Macnemara Cl. Lo. Ho.

A Bill from the lower House by M^r Beale and M^r Samuel Hanson Entituled an Act for easing the Inhabitants of this Province who are Owners of Vessells from some Difficulties they are put to by an Act Entituled a Supplementary Act to the Act Entituled an Act for laying an Imposition on Negroes & Severall sorts of Liquors Imported & alsoe on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province thus Endorsed.

By the lower House of Assembly August 31st 1731

p. 142

Read the first time & ordered to lye on the Table

Signed p Order M. Macnemara Cl. Lo. Ho.

By the lower House of Assembly 3^d September 1731

Read the Second time and will pass

Signed p Order M. Macnemara Cl. Lo. Ho.

The following Message being prepared is sent to the lower House by Benjamin Tasker Esq^r with the bill for laying the Towne of Marlborough a New

By the Upper House of Assembly 3^d September 1731

Gentlemen,

In Answer to your Message of this day by M^r Smith and M^r Courts this House is willing that the Commissioners named by your House in the bill for laying out the Towne of Marlborough a New shall

U. H. J. stand and the two Commissioners named by this House Added, and that the Clause for a Review do continue in the bill as proposed by this House and in Case the Appellant faile in making good his Appeal to pay such Costs as shall be Adjudged by the Commissioners of Review, And if the Appellant doth make good his Appeal the Cost Adjudged by said Commissioners to be discharged by the County And the penny ꝑ lott proposed as an Amendment in our last Message sent downe with the bill be sterling; with these Amendments the bill will pass

Signed ꝑ Order John Ross Cl. Up. Ho.

A Message from the lower House by Maj^r Hanson and M^r Knight with the Assize Bill.

By the lower House of Assembly September 3^d 1731.

p. 143 May it please Yo^r Honours

We have considered the Amendments proposed by your Honours to the Assize Law & cannot consent to the first, but Offer, that instead thereof the following be Added.

Provided Nevertheless And be it further Enacted that nothing in this Act or the Act hereby Intended to be revived shall hinder or debarr the Justices of Provincial Court of this Province from hearing, Determining, & punishing at the Bar of the said Court any Crime or Offence not Tryable in the County Courts of this Province & which shall not be heard Tried & Determined by or before the Justices of Assize Nisi prius & Goal Delivery so always as five of the Jurors who shall be returned in any such Tryal shall come from the County where any such Crime or Offence which shall be so tried at Bar shall be Supposed to be Committed.

And be it further Enacted that the Justices of the Provincial Court in all such Cases shall & may Award & Issue Venire facias Juratores & Summonses for any Witness or Witnesses, And that any person who shall be Summoned or warned to Appear as a Juror or Witness & shall Neglect or refuse to Appear at the time mentioned [in the] Venire facias Juratores or Summons without a Sufficient reason for such non Appearance to be Admitted by the s^d Justices shall & may be fined according to the directions of the Act causing grand & Petit Jurors & Witnesses to come to the Provincial Court & Ascertain their Allowances which fines shall be Applied as that Act directs.

And that the Justices of the Provincial Court be Enabled to continue the Causes now therein Depending, if they shall find it Needfull untill the third Tuesday in October, Seventeen hundred and Thirty two, which we desire your Honours will Concur with, that the bill herewith sent, may be Engrossed

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the Petition of Richard Sympson a prisoner in Ann Arundell U. H. J.
County Goal & John Brookes a prisoner in Prince Georges County ^{p. 144}
Goal and referred to the Consideration of the lower House of
Assembly.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Col Ward

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournm^t

Present as in the Morning

The following Message being prepared is sent to the lower House
with the Assize bill by John Rousby Esq^r

By the Upper House of Assembly 3^d September 1731

Gentlemen

In Answer to your Message of this day by Major Hanson & M^r
Knight in Relation to the Amendments proposed by your House to
the Assize Bill, This House can concede thereto in no other manner
than as to the Liberty proposed in favour of any Suspected or real
Criminal having the priviledge of having five persons returned as
Jurors from the County where the fact was supposed to be com-
mitted in the same manner as was usuall before the making the
Assize Law; And we further agree to the Amendments for continu-
ance of Causes as proposed in Your Message, with which Amendm^{ts}
the bill will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

An Engrossed bill from the lower House by Col Fendall & M^r
Courts Entituled an Act Ascertainig the form of the Oath of Judge
or Justice thus Subscribed

September 3^d 1731.

Read and Assented to by the lower House of Assembly.

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

Read and Assented to by this House & ordered to be so Sub- ^{p. 145}
scribed the paper bill so Endorsed is sent to the lower House by
Benjamin Tasker Esq^r

Read a second time the bill for Relief of Severall Prisoners in
the County Goals of this Province and ordered to be thus Endorsed.

By the Upper House of Assembly 3^d September 1731

Read a Second time & will pass with the following Amendments.
That Richard Smith James Mason & John Norwood be not incerted

U. H. J in the bill and that between the words, *are*, and *shall*, in the 6th line of the 10th page put the words, *or have been*.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Col Ward.

A Message from the lower House by Col Herman and M^r Blackiston.

By the lower House of Assembly September 3^d 1731.

May it please Yo^r Honours.

This House hath resolved to discharge the Expence of this Assembly from Tuesday last in Cash at the rate of Ten shillings for every Hundred pounds of Tobacco due, and desireth your Honours Concurrence

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

The following Message being prepared is sent to the lower House by Benjamin Tasker Esq^r

By the Upper House of Assembly 3^d September 1731.

Gentlemen.

This House hath Nominated John Rousby Benjamin Tasker & Philip Lee Esq^{rs} to Joyn the Members Appointed by Your House in a Committee to prepare an Address to his Excellency the Governour as proposed by your Message of 1st Instant by Major King & Col Ennals who are ready to Attend Imediately

Signed ꝑ Order John Ross Cl. Up. Ho.

The following message being prepared is, Sent to the lower House by Col Tilghman

By the Upper House of Assembly 3^d September 1731

Gentlemen.

This House doth Agree to the allowance to be made to the Severall Members of this Assembly in Cash at the rate of Ten Shillings for every Hundred pounds of Tobacco as proposed in your Message of this day by Col Herman & M^r Blackiston.

Signed ꝑ Order John Ross Cl. Up. Ho.

p. 146 The following Message being prepared is Sent to the lower House by John Hall Esq^r

By the Upper house of Assembly 3^d Sept^r 1731.

Gentlemen

In Answer to your Message of the 26th of August last by M^r Harris & M^r Johnson this House desires you'l nominate some Mem-

bers of Your House to joyn some of the Members of this House U. H. J. on a Conference in relation to the Subject matter of the said Message

Signed p. Order John Ross Cl. Up. Ho.

Read the Petition of Johanna Hall late Johanna Philips mother & Natural Guardian of James Philips & Susanna Philips Infants in behalfe of herselfe and James & Susanna praying leave to bring in a bill to Repeal An Act of Assembly formerly made in this Province & ordered to be thus Endorsed.

By the Upper House of Assembly 3^d Sept^r 1731

The Consideration of the within Petition is deferred till the next Session of Assembly and that Summons Issue for the parties concerned then to Appear.

A Message from the lower House by Maj^r King and Eleven more.

By the lower House of Assembly Sept^r 3^d 1731.

May it please Yo^r Honours.

p. 147

Your House having proposed to pass the Bill for the Relief of severall languishing prisoners for Debt, Except Richard Smith James Mason & John Norwood with some Amendments without Communicating any reasons to this House which Induced Your Honours to Except the said three persons; We are at a loss to conceive what your Reasons might be for Distinguishing these three unhappy men from other Prisoners in a manner that must certainly prove very prejudicial to their Creditors & Familys & may probably occasion the loss of their lives; That Death may be the Consequence of a long Imprisonm^t (which these unfortunate men must undergo unless they are releived by this Assembly) there have been Recent & Melancholly Instances in the Death of four men, who might probably live severall Years had they Enjoyed their liberty instead of being confined in a loathsome Goal, and we hope your Honours will not be for continuing the like meanes of Adding to their Number without some very Cogent & Extraordinary reasons such as ought to out weigh the Manifest Hazarding of Mens lives the Ruin of family's & the loss of Creditors; which we hope cannot be given in the Case of the persons your Honours would Except if such reasons can be given we shall Submit to them,

As to Richard Smith & John Norwood we find that they are recommended by the Justices of Prince Georges and Ann Arundell Countys as proper Objects of the Legislatures Compassion.

As to the other Amendments proposed by your Honours this House Agrees & desires your Honours will pass the bill upon making

U. H. J. the said Amendments and Richard Smith James Mason & John Norwood may continue therein.

Signed p Order M Macnemara Cl. Lo. Ho.

An Engrossed bill from the lower House by Col Herman & M^r Blackiston Entituled an Act to Make and Emitt Thirty six thousand pounds Current Money of Maryland in bills of Creditt & for Easing the Inhabitants of this Province in the payment of Debts and to raise a fund to sink the said bills of Creditt. thus Subscribed.

3^d September 1731

Read & Assented to by the lower House of Assembly.

Signed p Order M Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight a Clock

Sept. 4

Saturday Morning : 4th Sept^r 1731.

This House met again According to Adjournm^t
Present as Yesterday

The Journal of the Commitee of Accounts brought from the lower House by M^r Beale & M^r Chamberlin thus Subscribed.

3^d September 1731

Read and Assented to by the lower House of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

A Bill from the lower House by Col. Fendall & two others Entituled an Act to prevent the Clandestine runing or Importation of Trash & other Tobacco from the Colony of Virginia into this Province thus Endorsed.

By the lower House of Assembly Sept^r 4th 1731

Read the first and second time by an Especial Order and will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & Ordered to lye on the Table.

A Message from the lower House by Major King and Col Ennals.

By the lower House of Assembly September 4th 1731.

p. 149 May it please Your Honours.

In Answer to your Message of Yesterday by John Hall Esq^r this House hath Appointed M^r Dulany M^r Harris Col Gale M^r Stoughton

Major King & Col Ennals to Confer with any Members your House U. H. J. shall Appoint as proposed by Your Honours.

Signed p Order M Macnemara Cl. Lo. Ho.

By the Upper House of Assembly 4th Sept^r 1731.

Resolved That all Insolvent Debtors preferring Petitions to this House to be released from their Imprisonment do give Notice to the Justices of the Severall County Courts in Open Court of their Intention of Applying to this House for relief two months at least before their doing thereof, And that the persons so Applying produce to this House a Certificate under the hand of the Clerke of the County of their having so done, Copies of which Certificates are to be set up by them in the most publick places of their Countys to the intent their Creditors knowing of such their Designe to Apply for Redress may if they think Convenient oppose the same.

And it is Resolved that all persons applying to this House for any private Bill to be passed in their favour give the same publick notice, And that they alsoe produce a Certificate under the Clerks hand of their having complied with the s^d Resolve.

And it is further Resolved that unless the persons who Apply to be released from their Imprisonment, or to have private bills passed in their favour do Comply with the af^d Resolves, This House will not take their Case into Consideration.

Ordered that the Clerke of this House send Copies of the Above Resolves to the Sheriffs of the Severall Countys, to be made publick by them, and that the severall Sheriffs after their having published the same lodge them with the Clerks of their respective Counties

Signed p order John Ross Cl. Up. Ho.

Adjourned till Two of the Clock in the afternoon.

p. 150

Eodem Die post Meridiem

This House met again According to Adjournm^t

Present as in the Morning.

The following Message being prepared is Sent to the lower House by Col. Holland.

By the Upper House of Assembly 4th September 1731.

Gentlemen.

In answer to your Message of Yesterday by Major King & Eleven more in Relation to the leaving out some persons Enumerated in the bill for Relief of Languishing prisoners, We are Surprised you should expect we should give Reasons for our Resolution therein,

U. H. J. when We conceive it neither necessary so to do, nor even the generall practice of your House, which is Evident from yo^r Rejecting a petition of Benjamin Hilliard referred by this House to yours, without shewing any reasons wherefore; And as we Conceive we cannot at this time make an Exact Scrutiny into the Circumstances of the Severall prisoners Applying for Relief, and that it would be too Severe to continue those in Prison who are real Objects of Compassion, We are contented that Richard Smith James Mason and John Norwood remain in the bill, and that Richard Sympson, Robert Linch, John Brooke, Thomas Lewis, William Austin, and Benjamin Hilliard be Added thereto; with which Amendments the bill will pass.

Signed ꝓ Order John Ross Cl. Up. Ho.

Ordered that the Clerke of this House receive the same fees on all private Bills past this and the last Session as are allowed by the lower House to their Clerk.

Read the second time the bill Entituled An Act for easing the Inhabitants of this Province who are owners of Vessells, from some
p. 151 Difficulties they are put to by An Act Entituled a Supplementary Act to the Act Entituled an Act for laying an Imposition on Negroes & Severall Sorts of Liquors Imported and alsoe on Irish Servants to prevent the Importing to great a number of Irish Papists into this Province and will pass with the following Amendments, Viz. in page 1st line 3^d instead of the words, *when there shall be no* incert the words, *where they live remote from any Naval Officer or have*, the same page, line 8th instead of Court, incert, *County* and that the time of Delivering the Certificate of the Magistrate to the Naval Officer, instead of, *Two Months* be, *Some time before the Clearing of such Vessell*, in page 2^d line 12th instead of the word, *every*, incert the word *any*.

Signed ꝓ Order John Ross Cl. Up. Ho.

Sent by Col Rider.

A Bill from the lower House by Mr Crabb & Mr Hemsley Entituled an Act to Continue & Aid the process & proceedings of the Provinciaall Court & to adjourn the s^d Court which is to be held in September next & on the Thursday before the third Tuesday in October next unto the third Tuesday in October next.

By the lower House of Assembly Sept^r 4th 1731.

Read the first and second time by an Especial order and will pass.

Signed ꝓ Order M Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to Lye on the Table. U. H. J.

The following Message being prepared is sent to the lower House
by John Rousby Esq^r

By the Upper House of Assembly 4th Sept^r 1731

Gentlemen.

This House hath Nominated John Rousby Benjamin Tasker
& Philip Lee Esq^r to Joyn the Members Appointed by Your House
on a Conference as proposed by Your Message of this day by
Major King & Col Ennals who are ready to attend Imediately

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Signed 7^o Order John Ross Cl. Up. Ho.

John Rousby Esq^r from the Committee of both Houses Reports
to this House that the Conferees cannot Agree upon the Subject
matter they went upon.

The Honourable Charles Calvert Esq^r Attended by M^r Speaker
& the Members of both Houses present their Joint Address to His
Excellency the Governour in the Councill Room.

To His Excellency Benedict Leonard Calvert Esquire Governour of
Maryland The Humble Address of the Upper & Lower Houses of
Assembly.

May it please Yo^r Excellency,

We have taken into Consideration the two Queries Transmitted
by the Right Honoble the Lords Commissioners for Trade & Plan-
tations to your Excellency which you Communicated to the Assembly
at the Opening of this Sessions, Viz. What Trade this Province
has with any fforeign Plantations or any part of Europe besides
Great Brittain; How such Trade is carried on; what Commodities
the People of this Province Send to or receive from foreign Planta-
tions, What the Naturall produce of the Country Staple, Comodi-
ties & Manufactures besides Tobacco are, and what Value thereof
may be Annually Exported And beg leave to observe to your Excel-
lency that for want of an Opportunity to Examine the books &
Entries of the Officers of the Customs we cannot be so particular in
our Information to your Excellency as you desire or we wish to be:
But in Generall we can assure Your Excellency that we have taken
all the Measures we could to be Informed: And that there are but
very few Trading Vessells belonging to the Inhabitants of this Pro-
vince severall Counties (of the Twelve whereof the Province con-
sists) have not one Trading Vessell belonging to them; That we
could not learn that more than one small Vessell has gone from this
Province (belonging to the Inhabitants thereof) to any of the foreign
Sugar Plantations: A few Vessells have gone to Madeira & other

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U. H. J. of the Portuguese Islands sometimes one or two some times three in a year, And for severall years none.

This Province has very little Trade with any part of Europe besides Great Brittain & that Confined to a few Voyages by three or four Small Vessells in Severall Years past to Lisbon which carried Grain and Lumber thither.

All the Commodities ever Exported to and Imported from any of the Foreign Plantations belonging to the French and Dutch, by the Inhabitants of this Province that we could learn has only been the lading of the small Vessell already mentioned which carried Lumber & provisions & brought back Mellasses, Save that some times when Vessells have been Disappointed of their lading in his Majesties Colonies they have taken in some Salt in the said foreign Plantations.

The Trade to Madeira and other Portuguese Islands has been more Considerable: Some times one Small Vessell and some times two or three but never more that we can learn (belonging to this Province) have gone thither in a year; which Vessells have carried wheat Indian Corne & other Provisions and Staves, and brought back Madeira & other wines of the produce of those Islands and Salt.

As to Vessells belonging to other parts of His Majesties Dominions whose ladings are purchased in this Province we cannot give any Account of them.

p. 154 The Climate here is Moderate and the Soile productive of all Sorts of Grain & many Sorts of fruit and has great Quantitys of valuable Timber & in many places good pasturage, And the Rivers and Bay full of great Variety of fish especially Herrings But the Inhabitants ever since the first Settlement of this Country have Applied themselves principally to the making Tobacco which is our only Staple Neglecting Manufactures & Tillage when Tobacco has been valuable, The produce of that Commodity alone being then Sufficient to Supply the People with Cloathing & other Necessarys in Great plenty from Great Brittain with an Overplus in money which has alwayes been lodged there not only as the Securest but the most advantagous Repository whence the People could be Supplied with every thing for their own use or for Traffick, Hence it has happened that the People have received very little Advantage from a Moderate Climate & a fertile and fruitfull Soil, besides provisions & the produce of their Tobacco which for severall Years past has really been so very low that it would not Supply the Inhabitants with one halfe of the Necessarys of Life and the Expectation of an Amendment has occasioned their continuing in the old beaten Tract so long that they are now reduced to an Incapacity to carry on any considerable Trade or Manufactures; It is true that Extreme want and Necessity have driven some of the Poorer Sort of People

in Severall parts of the Country to make some Small Quantities of U. H. J. Coarse Linnen & Woollen for their own particular use without which they must have gone Naked & been Starved: Of these Manufactures we are Confident there are none Exported: And that very few (if any) make Enough of them to Supply their own Necessity: As to the Value of other Commodities of the Growth and production of the Country Annually Exported Besides Tobacco we cannot make p. 155 any Estimate; Those concerned in the Exportation & who reap the Advantages Arising from it being such as come from other parts to purchase what the People can Spare which their Necessities Oblige them to part with at very Cheap rates.

Thus May it please your Excellency. We have given as full a State of the Circumstances of the Country concerning its Trade as we could. And we can Assure you that we have not Represented its Condition worse than it really is.

Signed by the Members present.

Read the second time the bill Entituled an Act to prevent the Clandestine runing or Importation of Trashy & other Tobacco from the Colonie of Virginia into this Province and will pass with the following Amendments, in page 1st line 6th after the word, *Entries*, incert the words, *or within Ten days after*, and in the same page & line after the word, *Oath*, insert the words, *or affirmation of a Quaker*, alsoe in the same page line 7th after the word, *they*, insert the words, *have not nor*,

Signed p Order John Ross Cl. Up. Ho.

Sent by Col. Ward.

The Journall of the Committee of Accounts being read is Assented to by this House, and Sent to the lower House by Col. Tilghman.

A Message from the lower House by M^r Beale & M^r George

By the lower House of Assembly September 4th 1731

May it please Yo^r Honours.

This House hath Appointed Col. Mackall, Col. Greenfield M^r Harris, M^r Beale Col. Fendall Col Gale, M^r Holliday, Col Ennals M^r George M^r Hamilton, M^r Crabb and M^r Hemsley Members of p. 156 this House to Join any Members your Honours shall Appoint of your House as a Committee for laying the publick Levy.

Signed p Order M Macnemara Cl. Lo. Ho.

Adjourned till Monday Morning Eight a Clock.

U. H. J.
Sept. 6

Monday Morning 6th Sept^r 1731.

This House met again According to Adjournm^t

Present

The Hon ^o ble	{	Charles Calvert Esq ^r	Co ^l Tilghman
		Co ^l Holland	Co ^l Ward
		John Hall Esq ^r	Ben: Tasker Esq ^r
		Philemon Lloyd Esq ^r	Co ^l Rider

The following Message being prepared is sent to the Lower House by Philemon Lloyd Esq^r

By the Upper House of Assembly 6th September 1731.

Gentlemen.

This House hath nominated the Hon^oble Charles Calvert Esq^r Co^l William Holland Philemon Lloyd Esq^r Benjamin Tasker & Philip Lee Esq^{rs} to Joyn the Members Appointed by your House in a Committee to lay the publick Levy as proposed by Your Message of 4th Instant by M^r Beale and M^r George

Signed p Order John Ross Cl. Up. Ho.

p. 157 An Engrossed bill from the lower House by M^r Beale & Co^l Ennals Entituled an Act for the Relief of Richard Smith William Nimmo George Clagett William Burston James Mason John Brooke & Benjamin Hilliard Languishing prisoners in Prince Georges County Goal William Robertson Richard Roper John Norwood & Richard Sympson languishing prisoners in Ann Arundell County Goal Thomas Taylor languishing prisoner in Baltemore County Goal Edward Hyatt & Robert Lynch languishing prisoners in Kent County Goal Richard Barrow Thomas Browne John Clarke William Austin and Robert Cardiff languishing prisoners in Talbott County Goal Thomas Vernal languishing prisoner in S^t Marys County Goal & Daniel Hall a languishing Prisoner in Cecill County Goal, thus Subscribed.

6th September 1731

Read & Assented to by the lower House of Assembly.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the Engrossed bill in this House & Assented thereto & ordered to be so Subscribed the paper bill so Endorsed is sent to the lower House by Benjamin Tasker Esq^r

An Engrossed bill from the lower House by Maj^r King & M^r Thompson Entituled an Act for Easing Sundry Inhabitants of this Province who are Owners of Vessells from some Difficulties they are put to by an Act Entituled a Supplementary Act to the Act Entituled an Act for laying an Imposition on Negroes & Severall Sorts

of Liquors Imported & alsoe Irish Servants to prevent the Import- U. H. J.
ing too great a Number of Irish Papists into this Province thus
Subscribed

6th September 1731

Read & Assented to by the lower House of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the Engrossed bill in this House & Assented thereto &
ordered to be so Subscribed, the paper bill so Engrossed is sent to the
lower House by Benjamin Tasker Esq^r

A Bill from the lower House by M^r Beale and Col Ennals Entituled
an Act Impowering a Committee to Lay Assess & Apportion the p. 158
publick Levy for this present year 1731. thus Endorsed.

By the lower House of Assembly September 6th 1731.

Read the first & second time by an Especial order and will pass.

Signed p order M Macnemara Cl. Lo. Ho.

An Engrossed bill from the lower House by M^r Waughop & M^r
Blackiston Entituled an Act to prevent the Clandestine runing &
Importation of Trashy & other Tobacco from the Colonie of Vir-
ginia into this Province thus Subscribed

6th September 1731

Read & Assented to by the lower House of Assembly

Signed p Order M : Macnemara Cl. Lo. Ho.

Read the Engrossed bill in this House & Assented thereto, &
ordered to be so Subscribed the paper bill so Endorsed, is Sent to the
lower House by Benjamin Tasker Esq^r

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment.

Present as in the Morning :

Read the Bill Entituled an Act to continue and Aid the Process
and proceedings in the Provincial Court & to Adjourn the said Court
which is to be held in September next and on the Thursday before the
third Tuesday in October next unto the third Tuesday in October
next & ordered to be thus Endorsed.

By the Upper House of Assembly 4th Sept^r 1731.

Read the second time and will pass a Clause being Added making
valid the adjournment of the Court of Appeals to the first day of the
Provincial Court to be held the third Tuesday in October next.

Signed p Order John Ross Cl. Up. Ho.

U. H. J. Sent by Co^l Holland.

p. 159 The money Journall from the lower House by M^r Beale and M^r Chamberlin, thus Subscribed.

By the lower House of Assembly. September 6th 1731.

Read and Assented to.

Signed p Order M Macnemara Cl. Lo. Ho.

Read and Assented to by this House and Ordered to be so Subscribed.

Sent by Co^l Tilghman.

An Engrossed bill from the lower House by M^r Elliott and M^r Johnson Entituled an Act Impowering a Committee to Levy Assess and Apportion the publick Levy for this present Year 1731. thus Subscribed.

6th Sept^r 1731

Read and Assented to by the lower house of Assembly.

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the Ingrossed bill in this House & Assented to and ordered to be so Subscribed, the paper bill so Endorsed is sent by John Hall Esq^r

An Engrossed bill from the lower House by M^r Crabb and M^r Hemsley Entituled an Act to continue & Aid the process & proceedings in the Provincial Court & to Adjourn the said Court which is to be held in September next and on the Thursday before the third Tuesday in October next, unto the third Tuesday in October next, thus Subscribed.

6th September 1731

Read and Assented to by the lower House of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

Read the Ingrossed bill in this House & Assented to and Ordered to be so Subscribed, the paper bill so Endorsed is Sent to the lower House by John Hall Esq^r

p. 160 Read the Engrossed bill Entituled an Act to make and Emitt Thirty six Thousand pounds Current Money of Maryland in Bills of Credit & for Easing the Inhabitants of this Province & to raise a fund to Sink the said Bills of Credit & Assented to by this House & Ordered to be so Subscribed the paper bill so Endorsed is Sent to the lower House by Col. Ward.

M^r Beale and M^r Key from the lower House Acquaint His Excellency that their House have no Business before them.

Whereupon Philemon Lloyd & Benjamin Tasker Esq^{rs} are sent U. H. J. to the lower House to Acquaint the Speaker & the whole House that his Excellency Requires their Attendance in the Upper House to see the Laws past this Session, Receive the Assent.

The whole House Attend and by their Speaker present to His Excellency the following Laws. Which were Signed & Assented to on behalfe of the Right Hon^{ble} the Lord Proprietary of this Province by His Excellency the Governour and Sealed with his Lordships Great Seale at Arms.

The Titles of which Laws are as follows Viz.

N^o 1: An Act for Reviving an Act of Assembly Entituled an Ch. IX Act for the Advancement of Justice, As alsoe an Act of Assembly Entituled a Supplementary Act for the Advancement of Justice.

N^o 2. An Act to Remedy Defective probates of Accounts and “ X giving further time for proving Accounts.

N^o 3. An Act for the further Assesment of Thirty Thousand “ XI pounds of Tobacco on the Inhabitants of S^t Paul’s Parish in Baltemore County.

N^o 4. An Act for Reviving an Act of Assembly Entituled an “ XII Act for Relieving the Inhabitants of this Province from Some Ag- p. 161 grievances in the prosecution of Suits at Law and for Reviving & Continuing the Supplementary Act thereto.

N^o 5: An Act to Supply some Defects in a Deed of Bargain & “ XIII Sale from Edward Mitchel of Kent County Gentl to John Ward of Cecill County Gentl. & from the said Ward to William Ennals of Dorchester County Gentl. of a peice of Land called the Ponds lying in Kent County aforesaid.

N^o 6. An Act to Supply some Defects in a Deed of a Bargain & “ XIV Sale from W^m Green Sen^r of Dorchester County to Col John Rider of the same County of three Tracts of Land Viz. the one called Marshes Island one called Greens priviledge & the other called Greens Adventure all lying & being in the County aforesaid.

N^o 7. An Act to Oblige the Severall Officers within this Province “ XV to write their fees in words at full length & for Clerks to deliver Bills of Cost if required.

N^o 8. An Act to Supply some Defects in a Deed of Bargain “ XVI and Sale from Edward Warner late of London in the Kingdom of Great Brittain Decēd to William Husbands late of Cecill County Decēd of two Tracts of Land Viz. the one called Stillington & the other called Chance both lying & being in Cecill County.

N^o 9 An Act for Relief of Richard Smith W^m Nimmo George “ XVII Clagett William Burston James Mason John Brooke & Benjamin Hilliard languishing prisoners in Prince Georges County Goal W^m

U. H. J. Robertson Richard Roper John Norwood & Richard Sympson languishing Prisoners in Ann Arundell County Goal Thomas Taylor
 p. 162 a languishing prisoner in Baltemore County Goal Edward Hyatt & Robert Lynch languishing Prisoners in Kent County Goal Richard Barrow Thomas Browne John Clark William Austin & Robert Cardiff languishing Prisoners in Talbott County Goal, Thomas Vernal a languishing prisoner in S^t Marys County Goal & Daniel Hall a languishing prisoner in Cecill County Goal.

Ch. XVIII N^o 10. An Act Easing Sundry Inhabitants of this Province who are Owners of Vessells from some Difficulties they are put to by an Act Entituled a Supplementary Act to the Act Entituled an Act for laying an Imposition on Negroes & Severall Sorts of Liquors, Imported, and alsoe on Irish Servants to prevent the Importing to great a Number of Irish Papists into this Province.

“ XIX N^o 11. An Act to prevent the Clandestine Runing or Importation of Trashy & other Tobacco from the Colony of Virginia into this Province.

“ XX N^o 12. An Act to continue & Aid the process & proceedings in the Provincial Court & to Adjourn the said Court which is to be held in September next & on the Thursday before the third Tuesday in October next untill the third Tuesday in October next and to Adjourn the Court of Appeals to the first day of the Provincial Court to be held the third Tuesday of October next.

“ XXI N^o 13. An Act to make an[d] Emit Thirty Six Thousand pounds Current Money of Maryland in bills of Credit, and for Easing the Inhabitants of this Province and to raise a fund to sink the s^d Bills of Creditt.

“ XXII N^o 14 An Act Impowering a Committee to lay Assess & Apportion the publick Levy for this present year one Thousand Seven Hundred and Thirty one.

p. 163 The Act Entituled a Supplementary Act to an Act Entituled an Act for settling the rates of foreign Silver Coins within this Province.

And the Act Ascertainning the forme of the Oath of Judge or Justice. of w^{ch} His Excellency said he would be Advised

After which His Excellency was pleased to Conclude this Session with the following Speech.

Gentlemen

As the Business of this Session is now come to a Conclusion I shall no farther detain you than to wish you a Happy return to your Respective familys. I shall Endeavour to render my Answer to the Queries to you proposed, Agreeable to your Joint Address thereon. Peace & Prosperity Attend you.

His Excellency is pleased (with the Advice of His Lordships U. H. J. Councill) to Prorogue this Assembly to the Thirtieth Day of this Instant September.

Thus Endeth the ffifth Session of the Generall Assembly of this Province begun and held at the City of Annapolis the nineteenth day of August 1731 and Ending the Sixth day of September following in the fifth year of the Reigne of Our Sovereigne Lord George the second and in the Seventeenth year of His Lordships Dominion.

Jn^o Ross Cl.

PROCEEDINGS
THE LOWER HOUSE OF ASSEMBLY

L. H. J. Maryland ss.

No. 45
p. 316
Aug. 19 At a Session of Assembly (by Prorogation from the the twenty ninth Day of July last Anno Domini One thousand Seven hundred and thirty one) begun and held at the City of Annapolis on Thursday the Nineteenth Day of August in the Year aforesaid in the Seventeenth Year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. On which said Nineteenth Day of August Assembled in the Lower House of Assembly (His Excellency Benedict Leonard Calvert Esq^r being Governour) The Several Members following Viz.

The Honourable Coll. John Mackall. Speaker.

For S^t Mary's County

Coll^o Thomas Trueman Greenfeild

M^r Phillip Key

For Kent County

James Harris Esq^r

M^r Phillip Kennard

M^r George Willson

Capⁿ Ebenezer Blackistone

For Ann Arundell Co^{ty}

John Beale Esq^r

Dan^l Dulany Esq^r

M^r Richard Warfeild

M^r Thomas Worthington

For Calvert County

For Charles County

Maj^r Robert Hanson

Coll^o John Fendall

M^r John Courts

M^r Samuel Hanson

For Dorchester County

M^r John Brannock

M^r Peter Taylor

M^r John Kirk

Coll. William Ennalls.

For Cecil County

M^r Thomas Johnson

Coll. Eph^m Augⁿ Herman

M^r Stephen Knight

M^r Joshua George

For Baltemore County

M^r Thomas Tolley

M^r William Hamilton

For Prince Georges County

M^r John Magruder

M^r Ralph Crabb

Coll. Joseph Belt

Capⁿ Edward Sprigg

For Somerset County

Coll. Levin Gale

Maj^r Robert King

William Stoughton Esq^r

M^r George Dashields

For Talbot County

M^r Samuel Chamberlain

M^r John Edmundson

For the City of Annapolis

Capⁿ Robert Gordon

Edmund Jennings Esq^r

For Queen Anns County

Capⁿ William Elliott

M^r Augustine Thompson

M^r William Turbutt

M^r William Hemsley

L. H. J.

James Harris Esq^r and Maj^r King are Sent to the Upper House to Acquaint his Excellency the Governour that a Sufficient Number of Members are met in the Stadt House to make a House.

They return and say they Delivered their Message

Coll. Richard Tilghman & Mathew Tilghman Ward Esq^r from the Upper House Acquaint M^r Speaker that his Excellency the Governour Commands him and the Other Members Immediately to Attend him in the Upper House, And then Withdrew

M^r Speaker left the Chair and with the rest of the Members of this House went to Attend his Excellency the Governour in the Upper House who was pleased to make the following Speech. [The text of this speech is printed at page 256.]

Then M^r Speaker and the rest of the Members of this House return M^r Speaker reassumed the Chair.

M^r Speaker Acquaint the House that his Excellency the Governour was pleased to Deliver to him the following Queries Mentioned in his Excellency's Speech.

Q. What Trade has the Province under your Government without [to] any foreign Plantations or any Part of Europe besides Great Britain? How is that Trade Carried on? what Commodities do the people under their Government send to, or receive from Plantations?

Q. What is the Natural Produce of the Country Staple Commodities and Manufactures, besides Tobacco? and what Value thereof in Sterling Mony may you Annually Export?

M^r Cumming who was Admitted & Sworn Clerk of this House last Session Acquainted this House that they Acted in Friendship to M^r Macnemara the former Clerk who was obliged to go to Great Britain last year and was not returned when the last Session begun, And that as M^r Macnemara is now returned, M^r Cumming requested to be Discharged from Serving any longer as Clerk to this House Which request this House Granted and Discharged the said Cumming accordingly And Appointed M^r Michael Macnemara to be Clerk in his Stead.

M^r Beale and M^r Warfeild were Ordered to Attend the Governour in Order to Acquaint him that this House hath Chose M^r

L. H. J. Michael Macnemara to be their Clerk And that the House Desired his Approbation thereof.

p. 317 They return and Acquaint the House they Delivered their Message and that the Governour was pleased to Approve of the said Macnemara and that they Saw him Qualified before his Excellency the Governour in the Upper House as Clerk of this House by taking the Several Oaths required by Law repeating the Test and by signing the Oath of Abjuration & Test and by taking the Oath of Office in the words following viz.

You Michael Macnemara do swear that as Clerk of the Lower House of Assembly you shall true Entries make of all such Matters and things as by the Honourable Speaker for the time being and that house shall be to you Directed, the Secrets of the said House you shall not Divulge to the Prejudice of the House or any Member thereof but shall in all things as Clerk to the said House well and truly Demean yourself according to the best of your Knowledge So help you God.

The House Adjourns till to Morrow Morning Eight of the Clock.

Aug. 20

Friday Morning August the 20th 1731.

The House met according to Adjournment, The Members were Called and all Present as yesterday, The proceedings of Yesterday were read

M^r Mathews appeared in the House this Morning.

The House Resolved that the time of Sitting this Session be according to the hours of Sitting last Session.

The House Continue the Gentlemen of the Several Committees appointed last Session in the same Committees this Session.

The following Message, [The text of this message is printed at page 257.] Was sent to the Upper House by Capⁿ Gordon & M^r Courts, They return & Acquaint M^r Speaker with their Delivery thereof.

The Committee of Laws were ordered to Prepare an Address to his Excellency the Governours Speech.

John Rousby Esq^r from the Upper House Delivered to M^r Speaker the following Message [The text of this message is printed at page 257.]

Coll Ward from the Upper House Delivered to M^r Speaker two Petitions from the Vestry and Inhabitants of Durham Parish Severally Indorsed thus,

By the Upper House of Assembly 20th August 1731

Read and referred to the Consideration of the Lower House of Assembly

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Signed p Order J Ross Cl. Up. Ho.

Which said Petitions were Severally read here and referred to the L. H. J.
Consideration of the next Assembly

Daniel Dulany Esq^r from the Committee of Laws brought in an Address to the Governours Speech and read the same in his Place and afterwards Delivered it in at the board, which was afterwards read and approved of & Ordered to be Ingrossed.

The Petition of John James Clug of the City of Annapolis praying leave to bring in a bill for his Naturalization was read & Granted on his taking the Several Oaths to the Government required by Law.

The Petition of Daniel Hall Prisoner in Cecil County Gaol praying releasement from Gaol was read & Granted

The Petition of Thomas Thackstone of Kent County praying leave to bring in a Bill to Ascertain the Boundaries of a Tract of Land called Weibley was read & rejected

The House Adjourns till two a Clock in the Afternoon

Friday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

M^r Walter Smith & Maj^r Adderton Skinner appeared in the House this Afternoon Capⁿ Thomas Waughop Appeared in the House this Afternoon.

The Question was put that the Votes & Proceedings of this House during this Session be printed, Resolved in the Affirmative.

The Question was put whether M^r Parks be Allowed one hundred pounds of Tobacco per Day for printing the Votes or Seventy five pounds of Tobacco, Resolved that he be Allowed one hundred pounds of Tobacco

M^r Samuel Hanson from the Committee of Laws Delivered to M^r Speaker a Bill Entituled an Act for reviving an Act for the Tryal of all Matters of fact in the Several Countys where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and the Adjournment of that Court with the Supplementary Act thereto, Which bill was read the first time and Ordered to Lye on the Table.

Daniel Dulany Esq^r from the Committee of Laws Delivered to M^r Speaker the Address of this House to his Excellencys Speech Ingrossed.

The Address was as followeth Viz.

To His Excellency Benedict Leonard Calvert Esq^r Governour
of Maryland. The humble Address of the
Lower House of Assembly

May it Please your Excellency

We his Majestys most Dutiful and Loyal Subjects the Representatives of the freemen of Maryland in Assembly Convened return your

L. H. J. Excellency our hearty thanks for your Notice of the Languid State of our Trade and kind recommendation of it to our Serious Consideration which we shall Endeavour to take in the best Manner, we are Capable of, being Convinced; that it is a matter of the last Consequence to our Country And therefore Deserves the Greatest Attention.

p. 319

As your Excellency has been pleased to Mention and Communicate to us two Queries, Sent to your Excellency by the Lords Commissioners of Trade & Plantations & to Desire our Advice and Information thereon; Nothing shall be wanting within our power & knowledge, to make such a Representation to your Excellency, in Answer to those Queries, as the important Relation of them to this Country requires: But we beg leave to take Notice, that we conceive the Officers of the Several Districts can Contribute by their Books and Entrys to give more light into that Affair, than any Insight or Information we can Expect from any otherway; And therefore We request your Excellency will please to Direct such Entrys or so much of them as may relate to the Trade of this Province to be laid before this House; That we may be the better Enabled, to give a proper Satisfaction to your Excellency in those points.

We are Obligated to your Excellency for your Earnest Recommendation of such prudent and wise Proceedings as may Justifie a Report from your Excellency which may be Creditable and Usefull to this Province: And as We flatter ourselves that we have Acted in the trust reposed in us in the best Manner we are Able; So We cannot doubt of your Excellencys true Affection to this Province, in putting our proceedings in such a Light, as may be pleasing to Our Superiors at home, and Advantageous to the Good people here.

As We are Convinced, that the Security of the Blessings peculiar, and so dear, to the Subjects of Great Britain, depend under God, on the present happy Establishman in our most Gracious Sovereign King George his August house, so we beg leave to Assure your Excellency that whatever Disadvantages the people of Maryland may be Under, by their Distance from their Mother Country, We are not Inferiour to any of his Majesty's Subjects in our Zeal and Loyalty to his Royal person, nor in the Sincerity of our wishes and prayers for his Reigning Long and happily, and that the Sceptre of Great Britain may be very Sway'd by one of his Majestys Royal Descendants; And we hope and think that We have Always Demonstrated, a regardful Duty to our Lord Proprietary, and his Government, becoming faithful Subjects to our Sovereign, and Lovers of peace and Order, And that we have not been wanting in Justice, and good Nature in our proceedings, and your Excellencys handsome Exhortation to preserve in the Discharge of our Dutys so necessary in themselves, & so likely to Advance the prosperity of Maryland, Demands our most Gratefull Acknowledgement.

Signed by Order of the House ꝑ John Mackall, Speaker.
August the 20th 1731.

Coll^o Gale and M^r Chamberlain are Ordered to go and Acquaint L. H. J. the Governour this House hath prepared an Address to his Excellencys Speech, And Desireth to know when and where he will receive the same, They return and Acquaint M^r Speaker with the Delivery of their Message; And that the Governour would be ready to receive the same at his House Immediately Coll^o Greenfeild and twelve more are Ordered to Attend his Excellency with the Address, They return and Acquaint M^r Speaker that they Delivered the same

The House Adjourns untill to Morrow Morning at Eight of the p. 520 Clock.

Saturday Morning August the 21st 1731

Aug. 21

The House met according to Adjournment, The Members were Called and all Present as Yesterday in the Afternoon, The proceedings of yesterday were read.

Edmund Jennings Esq^r from the Committee of Laws Delivered M^r Speaker a bill Entituled an Act to make and Emit thirty Six thousand pounds Current Money of Maryland in Bills of Credit and for Easing the Inhabitants of this Province in the payment of Debts and to raise a fund to Sink the said bills of credit, Which bill was read the first time and Ordered to Lye on the Table.

The Bill Entituled an Act for reviving an Act for the Tryal of all Matters of fact in the Several Countys Within this Province was read the second time and on the Question put passed and was sent to the Upper House by Coll^o Greenfeild & Eleven more.

They return and Acquaint M^r Speaker they Delivered the Same.

The Petition of Richard Roper in Ann Arundell County Gaol praying to be releived there from was read & Granted.

The House Adjourns untill Two of the Clock in the Afternoon.

Saturday Afternoon Aug^t 21st 1731.

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

Coll^o John Rider from the Upper House Delivered to M^r Speaker The Petition of the Rector Vestrymen and Church Wardens and other of the Inhabitants of S^t Pauls parish in Prince Georges County praying leave to bring in a Bill to Assess the Taxable Inhabitants with ten pounds of Tobacco p Poll untill they build a Substantial Church Indorsed thus.

By the Upper House of Assembly 21st August 1731

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order. J Ross Cl. Up. Ho.

L. H. J. His Excellency the Governour sent the following Answer to the Address of this House of Yesterday Viz.

Gentlemen.

I am very glad to find by your Obliging Address, that the Matters by me recommended to you, suit so far with your Inclinations as to be the Subject of your Consideration Loyalty to our Gracious Sovereign, happily Expressed, amongst other Instances, in a Dutiful regard to the Lord Proprietary & his Government here will gain you an Usefull Esteem at home; since nothing Can be more Grateful to the Crown than to find it Self revered in Every Branch and Emanation of its Authority and Jurisdiction

Ben^d Leon^d Calvert

On reading the bill Entituled an Act to make and Emit thirty Six thousand pounds Current Money of Maryland &c. The Question was put that Amendments be made to the said bill Resolved in the Negative, The said bill being read the second time passed and was Sent to the Upper House by James Harris Esq^r and twelve more, They return and Acquaint M^r Speaker they Delivered the same.

The Petition of William Robertson Prisoner in Ann arundell County Gaol praying Releasement therefrom was read & Granted.

p. 321 M^r Crabb, M^r Magruder and Capⁿ Sprigg have [leave] from the House to be Absent untill Monday. The House Adjourns untill Monday Morning at Eight of the Clock

Aug. 23 Monday Morning at Eight of the Clock Aug. 23rd 1731.

The House met according to Adjournment, The Members were Called and all Present as on Saturday, The proceedings of Saturday were read.

Ordered that no Petition be received in the House after Wednesday next.

On reading the Petition of the Rector Vestrymen and Church Wardens &c. of St Pauls Parish in Prince Georges County, It is Ordered that leave be given to bring in a bill to Levy Ten pounds of Tobacco p poll to be raised on the Parishioners of the said Parish and that the Tobacco be Applied towards the building a Church and Chapple in such parts of the parish as the Majority of the Parishioners that are Qualified by Law to Vote on Elections for Burgesses shall agree upon and that the Assessment be Continued untill the Church & Chapple be finished.

Ordered that M^r Thomas Jobson Serjeant at Arms Attending this house go and Acquaint M^r Hollyday and M^r Robins that this House requires their Immediate Attendance,

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker L. H. J. the Petition of Coll^o William Ennalls Indorsed thus,

By the Upper House of Assembly 23^d July 1731

Read & referred to the Consideration of the Lower House of Assembly.

Signed p Order J. Ross Cl. Up. Ho.

Which Petition being read here leave was Given to bring in a bill according to prayer.

Daniel Dulany Esq^r from the Committee of Laws Delivered M^r Speaker a bill Entituled an Act Ascertaining the form of the Oath of Judge or Justice.

Benjamin Tasker Esq^r from the Upper House Delivered to M^r Speaker the Petition of Charles Slye Indorsed thus,

By the Upper House of Assembly 23^d Aug^t 1731

Read & recommended to the Consideration of the Lower House of Assembly

Signed p order J Ross Cl. Up. Ho.

Which Petition was read here and Rejected.

The House Adjourns untill two of the Clock in the Afternoon

Monday Afternoon August the 23rd 1731.

The House met According to Adjournment,

The Members were Called & all present as in the Morning.

The Bill Entituled an Act Ascertaining the form of the Oath of Judge or Justice was read the first & second time by an Especial Order & passed and Carried to the Upper House by M^r Speaker attended by the other Members of this House.

M^r Speaker and the other Members of this [House] returned M^r Speaker reassumed the Chair and acquainted the House he Delivered the said Bill.

Daniel Dulany Esq^r from the Committee of Laws Delivered to M^r p. 322 Speaker a bill Entituled An Act to remedy Defective Probates of Accounts and giving further time for proving Accounts.

Edmund Jennings Esq^r hath the leave of the House to go to Prince Georges County.

The Petition of Coll^o Rider praying leave to bring in a bill to Aid the Defects in the Acknowledgement Enrollment & Indorsement of a Deed from William Green to him was read and leave Given to bring in a bill according to prayer.

A Bill Entituled an Act to remedy Defective probates of Accounts &c^a was read the first and Second time by an Especial Order & Passed,

L. H. J. and sent to the Upper House by M^r Crabb and M^r Thompson. Who return and say they Delivered the same.

Daniel Dulany Esq^r hath leave from the House to go to Prince Georges County.

The House Adjourns till to Morrow Morning at Eight of the Clock.

Aug. 24

Tuesday Morning August the 24th 1731.

The House met according to Adjournment, The Members were Called and all present as yesterday Except M^r Dulany and M^r Jennings, The proceedings of yesterday were read.

M^r George Robins and James Hollyday Esq^r appeared in the House this Day and obtained the Excuse of the House for their not Attending before on their Defraying the Expence the Messenger was at that was sent for them

A Bill Entituled an Act for the further Assessment of thirty thousand pounds of Tobacco on the Inhabitants of St. Paul's Parish in Baltemore County, was read the first & second time by an Especial Order & Passed and sent to the Upper house by M^r Thomas Tolley and M^r William Hamilton, Who return and say they Delivered the same.

John Rousby Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act to remedy Defective Probates of Accounts &c. Indorsed thus,

By the Upper House of Assembly 23^d August 1731.

Read the first time & Ordered to Lye on the Table

Signed p Order. J Ross. Cl. Up. Ho.

And thus, [See page 262.]

Which bill was read here & Passed for Ingrossing.

James Harris Esq^r from the Committee of Laws Delivered to M^r Speaker a Bill Entituled an Act for reviving an Act of Assembly Intituled an Act for the Advancement of Justice as Also an Act of Assembly Entituled an Act for the Advancement of Justice

Coll^o Ward from the Upper House Delivered to M^r Speaker the Petitions of Richard Smith Benjamin Hillyard, John Norwood, Thomas Vernall and James Mason Severally Indorsed thus,

By the Upper House of Assembly 24th August 1731

Read & referred to the Consideration of the Lower House of Assembly.

Signed p Order. J Ross Cl. Up. Ho.

p. 323 The Petition of Richard Smith was read here & Granted. The Petition of John Norwood was read & Granted. The Petition of

Thomas Vernall was read & Granted. The Petition of James Mason L. H. J. was read & Granted

Coll^o Tilghman from the the Upper House Delivered to M^r Speaker the Petition of Robert Cardiff Indorsed thus,

By the Upper House of Assembly 24th August 1731

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order J. Ross Cl. Up. Ho.

Which Petition was read here & Granted.

M^r Samuel Hanson from the Committee of Laws Delivered to M^r Speaker a bill Entituled an Act for reviving an Act of Assembly Intituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecutions of suits at Law and for reviving and Continuing the Supplementary Act thereto.

M^r Joshua George from the Committee of Laws Delivered to M^r Speaker a bill Entituled an Act for the Assessment of ten pounds of Tobacco p poll on the Taxable persons of S^t Pauls parish in Prince George County the next Levy, Also for the Assessing ten p poll Yearly on the Taxable persons in the said Parish untill they shall have raised Sufficient to Compleat a Church and Chapple in the said Parish. Which bill was read the first & Second time by an Especial Order and Passed and Sent to the Upper House by M^r Crabb and Coll^o Belt who return and acquaint M^r Speaker they Delivered the Same.

The Bill Entituled an Act for reviving an Act of Assembly Intituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecution of Suits at Law &c^a Was read the first and second time by an Especial Order & Passed.

The House Adjourns untill two of the Clock in the Afternoon

Tuesday Afternoon August 24th 1731

The House met according to Adjournment.

The Members were Called and all Present as in the Morning.

Ordered that a bill be brought in to Compell Officers to make out their Accounts in the most Plain & Intelligible Manner.

The Bill Entituled an Act for reviving an Act of Assembly Intituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecutions of Suits at Law &c^a Was sent to the Upper House by Capⁿ Dasheilds and M^r Knight. Who return and say they Delivered the same.

The Bill Entituled an Act for reviving an Act of Assembly Intituled an Act for the Advancement of Justice &c. was read the first and second time by an Especial Order and passed and sent to the

L. H. J. Upper House by M^r Beale and M^r Key who return and Acquaint M^r Speaker they Delivered the same

Coll^o Greenfeild from the Committee of Laws Delivered to M^r Speaker a bill Entituled an Act to Oblige the Several Officers within this Province to write their fees in words at full Length and for Clerks
p. 324 to Deliver Bills of Cost if required, Which bill was read the first time and Ordered to lye on the Table.

M^r Magruder from the Committee of Laws Delivered to M^r Speaker a bill Entituled an Act for Releif of Richard Smith, William Nimmo, George Clagett, William Burston & James Mason Languishing Prisoners in Prince Georges County Gaol, William Robertson Richard Roper and John Norwood Languishing prisoners in Ann Arundell County Gaol, Thomas Taylor a Languishing Prisoner in Baltemore County Gaol, Edward Hyatt a Languishing Prisoner in Kent County Gaol, Richard Barrow, Thomas Brown, & Robert Cardiff Languishing Prisoners in Talbot County Gaol, Thomas Vernall a Languishing Prisoner in S^t Marys County Gaol, and Daniel Hall a Languishing Prisoner in Cecil County Gaol, And the Ingrossed and Paper Bills Severally Entituled an Act to remedy some Defective Probates of Accounts &c^a

The House Adjourns untill to Morrow Morning at Eight of the Clock

Aug. 25 Wednesday Morning August the 25th 1731,

The House met according to Adjournment, The members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

The Petition of Benjamin Hillyard was read & Rejected The Petition of William Austen was read & Granted. The Petition of Robert Lynch was read & Granted

Edmund Jennings Esq^r Appeared in the House this Morning

John Hall Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for reviving an Act of Assembly Entituled an Act for the Advancement of Justice &c. Indorsed thus,

By the Upper House of Assembly 24th August 1731

Read the first time and Ordered to Lye on the Table.

Signed p Order. J. Ross Cl. Up. Ho.

And thus, [See page 263.]

Coll^o Holland from the Upper House Delivered to M^r Speaker the bill Entituled an Act for reviving an Act of Assembly Entituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecutions of suits at Law &c^a Indorsed thus,

By the Upper House of Assembly 24th August 1731

L. H. J.

Read the first time and ordered to Lye on the Table

Signed p order. J Ross Cl. Up. Ho.

And thus. [See page 263.]

Benjamin Tasker Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the further Assessment of thirty thousand pounds of Tobacco on the Inhabitants of S^t Pauls Parish in Baltemore County Indorsed thus,

By the Upper House of Assembly 24th August 1731

Read the first time & ordered to Lye on the Table.

Signed p Order J. Ross Cl. Up. Ho.

And thus, [See page 264.]

The Petition of John Clerk a Languishing Prisoner in Talbot County Gaol was read and Granted.

The Bill Entituled an Act for the Releif of Richard Smith was p. 325 read the first and second time by an Especial Order and Passed and sent to the Upper House by Coll. Belt and Six more. Who return & say they Delivered the Same.

The Bill Entituled an Act for reviving an Act of Assembly Entituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecutions of Suits at Law &c^a

The Bill Entituled an Act for reviving an Act of Assembly Entituled an Act for the Advancement of Justice &c^a

And the Bill Entituled an Act for the Assessment of thirty thousand pounds of Tobacco on the Inhabitants of S^t Pauls parish in Baltemore County, were Severally read & Passed for Ingrossing

A Bill Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from Edward Mitchell of Kent County Gentleman to John Ward of Cecil County Gentleman and from the said Ward to William Ennalls of Dorchester County Gentleman of a Peice of Land called the Ponds lying in Kent County aforesaid was read the first and second time by an Especial Order and Passed. And sent to the Upper House by M^r Kennard and Capⁿ Blackistone, Who return and say they Delivered the same

Daniel Dulany Esq^r appeared in the House this Morning.

Ordered that a Bill be brought in to Ascertain the Value of Several Coins

The House Adjourns 'till two of the Clock in the Afternoon

L. H. J. Wednesday at Two of the Clock in the Afternoon,

The House met according to Adjournment, The Members were Called and all Present as in the Morning

An Ingrossed bill Entituled an Act to remedy Defective Probates of Accounts &c. was read and Assented to.

An Ingrossed Bill Entituled an Act for reviving an Act of Assembly Entituled an Act for the Advancement of Justice &c. Was read & Assented to, which said bill was sent to the Upper House with the Paper bills thereof by M^r Crabb and M^r Robins, Who return & Say they Delivered the same.

James Hollyday Esq^r Delivered to M^r Speaker a bill Entituled a Supplementary Act to an Act Entituled an Act for Settling the rates of foreign Silver Coins within this Province, which was read the first time & Ordered to lye on the Table.

The Bill Entituled an Act to Oblige the Severall Officers within this Province to write their fees in words at full Length &c. Was read the second time & passed and sent to the Upper House by M^r Brannock and M^r Kirk, Who return and say they Delivered the same

A Bill Entituled an Act to Supply some Defects in a Deed of Bargain and sale from William Green Senior of Dorchester County to Coll John Rider of the same County of three Tracts of Land (Viz.) the one Called Marshes Island one Called Greens Priviledge and the other Called Greens Adventure all lying and being in the County aforesaid, Which bill was read the first and second time by an
p. 326 Especial Order and passed, & Sent to the Upper House by M^r Taylor and M^r Kirk, Who return and say they Delivered the same.

The House Adjourns untill to Morrow Morning at Eight a Clock.

Aug. 26

Tuesday Morning Aug^t 26th 1731.

The House met according to Adjournment, The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

On reading a Bill Entituled a Supplementary Act to an Act Entituled an Act for Settling the rates of foreign Silver Coins &c. The following Questions arose

The Question was put whether Spread Eagle Dollars should go by weight or Tail. Resolved they go by Tail The Question was put whether they should pass for four shillings and three pence or for four shillings and Six pence.

The Question was put that Half pence be left out of the Bill Resolved in the Affirmative.

The Question was put whether this Law should be Temporary or Perpetual, Resolved that it be Perpetual.

An Ingrossed bill Entituled an Act for reviving an Act of Assembly L. H. J. Entituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecution of Suits at Law was read and Assented to.

Daniel Dulany Esq^r Coll. Gale & John Beale Esq^r are appointed as a Committee to Inspect into the State of the Publick Gaol in the City of Annapolis and to make their Report accordingly.

An Ingrossed Bill Entituled an Act for the further Assessment of thirty thousand Pounds of Tobacco on the Inhabitants of S^t Pauls parish in Baltemore County, Was read and Assented to and sent to the Upper House with the Ingrossed bill Entituled an Act for reviving an Act of Assembly Entituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the prosecutions of Suits at Law &c. And the paper Bills of the said Ingrossed bills by Coll Ennalls and M^r Thompson who return and Acquaint M^r Speaker they Delivered the said Bills

Benjamin Tasker Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from Edward Mitchell of Kent County Gentleman to John Ward of Cecil County Gentleman &c^a Indorsed thus,

By the Upper House of Assembly 25th August 1731

Read the first time and Ordered to Lye on the Table.

Signed p order J Ross Cl. Up. Ho.

And thus,

By the Upper House of Assembly 26th August 1731

Read the second time & will pass

Signed p Order J Ross Cl. Up. Ho.

Which bill was read here and passed for Ingrossing.

John Rousby Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act to Supply some Defects in a Deed of Bargain and sale from William Green Senior of Dorchester County to Coll^o John Rider of the same County &c. Indorsed thus,

By the Upper House of Assembly 25th August 1731

Read the first time & Ordered to lye on the table

Signed p order J Ross Cl. Up. Ho.

And thus,

p. 327

By the Upper House of Assembly 26th August 1731

Read the second time & will pass.

Signed p order J Ross Cl. Up. Ho.

L. H. J. Which Bill was read here & passed for Ingrossing.

The Bill Entituled a Supplementary Act to an Act Entituled an Act for Settling the rates of foreign Silver Coyns within [this] Province, was read the second time & Passed, And sent to the Upper House by Coll. Belt and Capt. Sprigg. Who return and say they Delivered the same.

The House Adjourns untill two of the Clock in the Afternoon

Thursday at two of the Clock in the Afternoon

The House met according to Adjournment. The Members were Called and all present as in the Morning

The Petition of James Husbands praying leave to bring in a bill to make Valid a Deed from a Certain Edward Warner to the Petitioners father, was read and leave given to bring in a bill According to prayer.

The following Message. [The text of this message is printed at page 267.] Was sent to the Upper House by James Harris Esq^r and M^r Johnson, Who return and say they Delivered the same

The Petition of M^r Amos Woodward of the City of Annapolis was read and Rejected.

An Ingrossed bill Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from Edward Mitchell of Kent County Gentleman to John Ward of Cecil County Gentleman &c^a Was read and Assented to and sent to the Upper House with the Paper Bill thereof by Capⁿ Dashields and M^r Taylor Who return and say they Delivered the same.

An Ingrossed bill Entituled an Act to Supply some Defects in a Deed of Bargain and Sale from William Green Senior of Dorchester County to Coll. John Rider of the same County &c. Was read and Assented to and sent to the Upper House with the paper Bill thereof by Coll^o Ennalls and M^r Brannock who return and say they Delivered the same.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Aug. 27

Friday Morning Aug^t the 27th 1731.

The House met according to Adjournment.

The Members were Called and All Present as yesterday, The proceedings of yesterday were read.

The Petition of the Inhabitants of Charles S^t Marys Prince Georges and Calvert Countys praying leave to bring in a Bill for laying out a New Benedict Town was referred to the next Session of Assembly.

Ordered that a bill be brought in to prohibit the raising of hogs in Towns within this Province. Coll^o Greenfeild from the Committee of Laws Delivered to M^r Speaker a Bill Entituled an Act for laying out the Town a New called Marlborough Town in Prince Georges

County and for Ascertaining the bounds thereof, Which was read L. H. J. the first time and Ordered to Lye on the Table.

M^r Joshua George Delivered to M^r Speaker a Bill Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from Edward Warner late of London in the Kingdom of Great Britain Deceased to William Husbards late of Cecil County Deceased of two Tracts of Land Viz. The one Called Stillington and the other called Chance both lying and being in Cecil County, Which bill was read the first and Second time by an Especial Order and passed, And sent to the Upper house by Coll^o Herman and M^r Knight who return and say they Delivered the same

The House Adjourns 'till Two of the Clock in the Afternoon

p. 329

Friday Afternoon August 27th 1731.

The House met according to Adjournment

The Members were Called and all Present as in the Morning. Daniel Dulany Esq^r from the Committee Appointed to Inspect the Condition of the Common Gaol of Annapolis brought in the following Report.

By the Committee Appointed to Inspect the Condition of the Common Gaol of Annapolis August 27th 1731.

Your Committee having Enquired in the best Manner we could, into the Condition of the said Gaol, find it to be a building of Stone about thirty feet Long from out to out, And about twenty feet wide from out to out Consisting of two Rooms, one below of the whole length & breadth of the building laid with a Substantial Oak plank floor and having a fire place but no Window or other Inlet for the Air on the south Side, or at Either of the Gable Ends but on the North side are two small Windows and one Door.

The room above hath a fire place, but no Window or other Inlet for the Air on the North or South sides, but one small Window in one Gable End and two in the Other, the floor and Ceiling or lining in Decay.

No conveniency for the Prisoners to Ease themselves but one Spout or Pipe Above and another below at the Western Gable End of the building, where there is a pit or hole to receive the Excrements alway [being] open and very Offensive to the prisoners themselves, the Neighbours and all that pass thereby.

Your Committee have been well Informed that many People have Actually died in the said Gaol, of distempers Contracted there, and several soon after they have been Enlarged have also died of Distempers which they Contracted likewise in the said Gaol before the Present Sherriff Came into the Office; And Since his coming in Six People have Died of Distempers they got during their Imprisonment.

L. H. J. Your Committee Observe that the Prison it Self, from the Closeness and Inconveniency of the building, which Deprives the poor People who have the Misfortune of being Confined there, of the benefit of the Air & Exposes them to all the Inconvenience of the Violent hot weather in the Summer Season cannot fail of being fatal to the health of all and to the lives of Many which are Confined there for any Considerable time.

The want of a Place to walk and Exercise in, and to receive the Benefit of the fresh Air, the want of a well or Pump which would furnish the poor Prisoners with a Sufficient Quality of Cool Clean water not only to wash and keep themselves Clean but Slack their [thirst] are very great Additions to their Miseries, and the want of a Proper Receptacle for their Excrements Occasions a Constant Stench Especially in hot weather, Intollerable to the poor Creatures who are Confined near it, and indeed dangerous & Offensive to others; & should the number of Prisoners be Considerable and they be Afflicted with any Epidemical or Pestilential Distemper, your Committee Apprehend that the Excrements of persons so Afflicted lieing Exposed in
 p. 330 the Manner Already Mentioned, may very Probably Occasion the spreading the Infection. This our own reason Suggest to us and we are Confirmed in the Justness of the Observation by the Opinion of Several Physicians whom we have Consulted on the Occasion, In a word your Committee look on the Gaol of Annapolis, in its present Condition, to be a place of Almost Constant and uninterrupted torment to such poor Unhappy Men as are Considered therein.

Your Committee therefore humbly Conceive that such Measures Ought to be taken as to make a restraint of Liberty (in it Self very Grievous) tollerable to poor Men, [who] have had or shall have the Misfortune to become Indebted more than they can pay, & as an Expedient for that End, your Committee propose that there be a better and more Commodious Gaol built in Annapolis, with so much Ground Sufficiently Inclosed about it, as may Suffice for the prisoners to walk & Exercise in, that there be a well or pump and a proper Receptacle for their ordure: And whether the like Provision ought not to be made in every County in the Province your Committee Submit to the Consideration of the House.

The Ground which the Gaol of Annapoils stands on is part of one of the Lotts belonging to the Church.

D. Dulany
 Levin Gale
 Joh Beale

And Delivered the same to M^r Speaker.

On reading the said Report It is Ordered that a Bill be brought in to Empower the Justices of the several Countys to Levy Tobacco on the Taxable persons in their Countys to be Appropriated towards

purchasing of Land whereon to build Gaols and towards the building L. H. J.
repairing Gaols in the several Countys as near as may be to the
several County Court Houses.

The Bill Entituled an Act for laying out the Town a New called
Marlborough Town &c. was read the second time & passed and sent
to the Upper House by M^r Crabb & Coll^o Belt, Who return and say
they Delivered the same.

The House Adjourns untill to Morrow Morning at Eight of the
Clock.

Saturday Morning Aug^t the 28th 1731.

Aug. 28

The House met according to Adjournment. The Members were
Called & all Present as Yesterday. The proceedings of yesterday
were read.

Maj^r King Maj^r Hanson M^r Crabb & Capⁿ Gordon are appointed a
Comittee to inspect into the Condition of the Stadt House and to
Report to the House what Reperations they think Necessary to be
made.

M^r Samuel Chamberlain Produced to the House a Receipt from M^r
William Hunt Merchant in London, which was Ordered to be Entred
on the Journal in these words Viz.

Received of M^r John Hanbury by Samuel Chamberlain bill of
Exchange on him One hundred & fifty pounds Sterling Money & in
part of the sum of three hundred and Eighty one pounds Eighteen
Shillings & Ten pence Ordered by the General Assembly of the Prov-
ince of Maryland the thirteenth June One thousand seven hundred
& thirty to be Transmitted into my hands by Frances Ungle Adminis- p. 331
tratrix of Robert Ungle for the use of the said Province I acknowl-
edge to have received the Above said sum as Witness my hand this
Eleventh day of March Anno Dom. One thousand Seven hundred
& thirty for which I have given another Receipt on said bill of this
Date. W^m Hunt.

Testis Samuel White.

Which said Receipt is Ordered to [be] left with the Clerk of this
house It being resolved that this House should proceed to Consider
Immediately of a Tobacco Law, And the previous Question being put
was Resolved in the Negative.

Coll^o Ward from the Upper House Delivered to M^r Speaker a bill
Entituled an Act to Oblige the several Officers within this Province
to write their fees in words at full Length &c. Indorsed thus,

By the Upper House of Assembly 25th Aug^t 1731.

Read the first time & Ordered to lye on the Table

Signed p Order J Ross Cl. Up. Ho.

L. H. J. And thus, [The text of this endorsement is printed at page 270.]
Which bill was read here and with the Amendments proposed
passed for Ingrossing.

The House Adjourns 'till Two of the Clock in the Afternoon.

Saturday Afternoon August 28th 1731.

The House met according to Adjournment.

The Members were Called and all Present as in the Morning M^r Magruder, M^r Crabb, Coll Belt, and Capⁿ Sprigg have leave of Absence from the House untill Monday.

An Ingrossed bill Entituled an Act to Oblige the Several Officers within this province to write their fees in words at full length &c. Was read and Assented to.

John Hall Esq^r from the Upper House Delivered to M^r Speaker the Bill Entituled an Act for the Assessment of Ten pounds of Tobacco p poll on the Taxable Persons in St. Paul's parish in Prince Georges County Indorsed thus

By the Upper House of Assembly 24th August 1731.

Read the first time & Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 270.]

p. 322 And the following Message [The text of this message is printed at page 271.]

The Ingrossed bill Entituled an Act to Oblige the several Officers within this province to write their fees in words at full Length &c^a was sent to the Upper House with the Paper bill thereof by Capⁿ Willson and M^r Thompson, Who return and say they Delivered the same.

Coll^o Rider from the Upper House Delivered to M^r Speaker the paper bill Entituled an Act to Remedy Defective Probates of Accounts &c. Indorsed thus,

By the Upper House of Assembly 25th August 1731.

The Ingrossed bill whereof this is the Original is read and Assented to.

Signed p Order J Ross. Cl. Up. Ho.

The Paper Bill Entituled an Act for reviving an Act of Assembly Entituled An Act for the advancement of Justice &c. Indorsed thus,

By the Upper House of Assembly 25th August 1731.

The Ingrossed bill whereof this is the Original is read & Assented to

Signed p order J Ross Cl. Up. Ho.

The paper bill Entituled an Act for the further Assessment of thirty L. H. J. thousand pounds of Tobacco on the Inhabitants of Saint Pauls parish in Baltemore County Indorsed thus

By the Upper House of Assembly 26th August 1731.

The Ingrossed bill whereof this is the Original is read and Assented to.

Signed p Order J Ross Cl. Up. Ho.

The Paper bill Entituled an Act for reviving an Act of Assembly Entituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecutions of Suits at Law &c. Indorsed thus,

By the Upper House of Assembly 26th August 1731.

The Ingrossed bill whereof this is the original is read & Assented to.

Signed p Order. J Ross Cl. Up. Ho.

The paper bill Entituled an Act to Supply some defects in a Deed of Bargain & Sale from Edward Mitchel of Kent County Gentleman, to John Ward of Cecil County Gent. &c. Indorsed thus.

By the Upper House of Assembly 26th August 1731.

The Ingrossed bill whereof this is the Original is read & Assented to.

Signed p Order. J Ross Cl. Up. Ho.

The Paper bill Entituled an Act to Supply some Defects in a Deed of Bargain and Sale from William Green Senior of Dorchester County to Coll. John Rider &c. Indorsed thus

By the Upper House of Assembly 26th August 1731.

The Ingrossed bill whereof this is the Original is read & Assented to.

Signed p Order J Ross Cl. Up. Ho.

And the Paper Bill Entituled an Act to Oblige the Several Officers within this Province to write their fees in words at full Length &c. Indorsed thus,

By the Upper House of Assembly 28th August 1731.

The Ingrossed bill whereof this is the Original is read and Assented to.

Signed p Order J Ross Cl. Up. Ho.

L. H. J. The House Adjourns untill Monday Morning at Eight of the
p. 333 Clock

Aug. 30 Monday Morning Aug^t 30th 1731.

The House met according to Adjournment.

The Members were Called and all Present as on Saturday except
Capⁿ Wilson.

The proceedings of Saturday were read.

The Petition of Henry Odell of Prince Georges County was read
& Granted According to Prayer.

M^r Magruder M^r Crabb, Coll^o Belt and Capⁿ Sprigg Appeared
in the House this Morning.

Benjamin Tasker Esq^r from the Upper House Delivered to M^r
Speaker a Petition from the Free holders and other Inhabitants of
Queen Anns County. Indorsed thus,

By the Upper House of Assembly 30th August 1731.

Read and referred to the Consideration of the Lower House of
Assembly

Signed p Order J Ross Cl. Up. Ho.

The House Adjourns 'till two of the Clock in the Afternoon.

Monday Afternoon August 30th 1731.

The House met according to Adjournment.

The Members were Called and all Present as in the Morning.

John Rousby Esq^r from the Upper House Delivered to M^r Speaker
the bill Entituled a Supplementary Act to an Act Entituled an Act for
Settling the rates of foreign Silver Coyns within this Province In-
dorsed thus.

By the Upper House of Assembly 26th August 1731.

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus. [The text of this endorsement is printed at page 271.]

The Petition of the freeholders of Queen Anns County was read
& referred to the Consideration of the next Assembly.

p. 334 Coll^o Ward from the Upper House Delivers to M^r Speaker the bill
Entituled an Act to Supply some Defects in a Deed of Bargain &
Sale from Edward Warner late of London in the Kingdom of Great
Britain Deceased to William Husbands late of Cecil County deceased
&c. Indorsed thus,

By the Upper House of Assembly 28th July 1731

L. H. J.

Read the first time & Ordered to lye on the Table.

Signed p order J Ross Cl. Up. Ho.

And thus, [See page 272.]

Which bill was read here and passed for Ingrossing.

Coll^o Greenfeild from the Committee of Laws Delivered to M^r Speaker a bill Entituled an Act to Prohibit the raising of Hoggs in any Town Within this province, which bill was read the first time and ordered to Lye on the Table.

John Hall Esq^r from the Upper House Delivered to M^r Speaker a Petition of Coll John Rider Indorsed thus,

By the Upper House of Assembly 30th August 1731,

Read and Recommended to the Consideration of the Lower House of Assembly:

Signed p order J. Ross. Cl Up. Ho.

The Petition of Coll^o John Rider was read and Rejected.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Tuesday Morning Aug^t the 31st 1731.

Aug. 31

The House met according to Adjournment.

The Members were Called and all present as Yesterday The proceedings of yesterday were read.

Ordered that the Journal of Accounts be Closed to this Day.

Daniel Dulany Esq^r from the Committee of Laws Delivered to M^r Speaker a Bill Entituled an Act for building a Common Gaol and other Conveniencys in Annapolis for the Use of Ann arundell County and the City of Annapolis to Enable the Justices of the said County to purchase Grounds & to Assess Tobacco on the Taxable Inhabitants thereof to pay for such Ground and to Defray the Charge of such building and also to Enable the Justices of the other Countys Within this province to build Common Gaols and others Necessary Conveniencies where they are are Wanting and to Alter or repair Gaols already built, Which bill was read the first time & Ordered to Lye on the table.

The following Message [The text of this message is printed at page 273.] Was sent to the Upper House by Capⁿ Dashields and Capⁿ Blackistone Who return and say they Delivered the Same. p. 335

The Bill Entituled an Act to Prohibit the raising of hogs in any Town within this Province was read the first time and passed and

L. H. J. Sent to the Upper House by M^r Smith and M^r Hansley, Who return and say they Delivered the Same.

The following Message [The text of this message is printed at page 273.] Was sent to the Upper House by Coll. Gale and M^r Robins, Who return and say they Delivered the Same.

John Hall Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled a Supplementary Act to the Act Entituled an Act for Settling the rates of foreign Silver Coyns within this Province, And the following Message [The text of this message is printed at page 274.]

Coll^o Holland and two more from the Upper House Delivered to M^r Speaker a bill Entituled an Act for the Amendment of the Staple of Tobacco by Destroying the Trash Indorsed thus,

By the Upper House of Assembly 30th August 1731

Read the first time and Ordered to Lye on the Table.

Signed p Order. J Ross Cl. Up. Ho.

p. 336 And thus,

By the Upper house of Assembly 31st August 1731

Read the second time and will pass.

Signed p Order J Ross Cl. Up. Ho.

The following Message was prepared. [The text of this message is printed at page 274.]

And sent to the Upper House with the Bill Entituled a Supplementary Act to the Act Entituled an Act for Settling the rates of foreign Silver Coyns &c^a by John Beale Esq^r & Capⁿ Edward Sprigg, Who return and say they Delivered the same.

The House Adjourns till Two of the Clock in the Afternoon.

Tuesday Afternoon Aug^t 31st 1731.

The House met according to Adjournment.

The Members were Called and all present as in the Morning.

The Bill Entituled an Act for the Amendment of the Staple of Tobacco by Destroying the Trash was read the first time and Ordered to Lye on the Table

Benjamin Tasker Esq^r and Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for reviving an Act for the Tryal of all Matters of fact in the Several Countys &c^a Indorsed thus.

By the Upper house of Assembly 21st August 1731

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 275.]

L. H. J.

And the following Amendments [The text of these amendments pp. 337-8 is printed at page 275.]

John Rousby Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled a Supplementary Act to the Act Entituled an Act for Settling the rates of foreign Silver Coyns &c.

And the following Message [The text of this message is printed at page 277.]

The said Bill was read here and with the Amendments proposed by the Upper House passed for Ingrossing.

Maj^r King from the Committee appointed to Report what Reparations were necessary to be made to the Stadt House, brought in the following Report Viz.

Committee Appointed to View the Cupalo of the Stadt House report as follows

That they find Several Repairs necessary for the Preservation thereof, First your Committee proposes, that a new Door be made without Glass, that some painting is Needfull, And a New Ladder of Lasting wood is wanting, That the Ball of said Cupalo is Open in the joynt thereof; And lets in the Weather that some Sheet Ledd be put round the post under the Ball to prevent a Leake there, And some Small Repairs wanting in the Lead Work, also some Plank to inclose the Body of said Cupalo within the Ruff of said House with a Door thereto to prevent any Person from Getting into the Severall offices through the Lathing of them.

All which your Committee submitt to the Consideration of the House

Rob ^t King	Ralph Crabb
Rob ^t Hanson	Rob ^t Gordon

On reading of which said Report the House ordered the Gentlemen of the said Committee to Agree with a Workman to make the Repairs they Reported Necessary.

Coll^o Gale Delivered to M^r Speaker a bill Entituled an Act for Easing sundry Inhabitants of this Province who are Owners of Vessells from some Difficulties they are put to by an Act Entituled a Supplementary Act to the Act Entituled an Act for laying an Imposition on Negroes and several Sorts of Liquors Imported and also on Irish Servants to prevent the Importing too Great a Number of Irish Papists into this Province which bill was read the first time and Ordered to Lye on the Table.

An Ingrossed bill Entituled a Supplementary Act to the Act Entituled an Act for Settling the rates of foreign Silver Coyns within

p. 339

L. H. J. this Province, was read and Assented to And sent to the Upper House with the Paper bill thereof by Coll^o Gale and M^r George, Who return and Say they Delivered the same.

The House Adjourns untill to Morrow Morning at Eight a Clock.

Sept. 1

Wednesday Morning September 1st 1731.

The House met according to Adjournment. The Members were Called & all Present as Yesterday, The proceedings of Yesterday were read.

John Rousby Esq^r from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 277.]

The Question was put that the Amendments Proposed by the Upper House to the bill Entituled an Act for reviving an Act for the Tryall of all Matters of fact in the Severall Countys &c. be made Resolved in the Negative.

The House Appointed M^r Dulany, Coll. Gale, Maj^r King M^r Stoughton M^r Harris & Coll. Ennalls to join the Members Appointed by the Upper House to Examine the Books & Entries of the Severall officers concerning their Exports.

The following Message, [The text of this message is printed at page 277.] Was sent to the Upper House by James Harris Esq^r & Maj^r King, Who return and Say they Delivered the same.

John Hall Esq^r and two more from the Upper House Delivered to M^r Speaker the Bill Entituled an Act to make and Emit thirty Six thousand pounds Currant Mony of Maryland in bills of Credit &c. Indorsed thus,

By the Upper House of Assembly 25th August 1731.

Read the first time & Ordered to Lye on the Table

Signed p Order J Ross Cl. Up. Ho.

p. 340 And thus, [The text of this endorsement is printed at page 278.]
The House Adjourns untill Two of the Clock in the Afternoon.

Wednesday Afternoon September the 1st 1731.

The House met according to Adjournment

The Members were Called and all present as in the Morning.

The Bill Entituled an Act Concerning Gaols was read and referred to the Consideration of the next Assembly.

On reading the Amendments proposed by the Upper House to the Bill Entituled an Act for reviving an Act for the Tryal of all Matters

of fact in the Several Countys &c^a The House agree to make the L. H. J. Several Amendments and Ordered them to be made accordingly

M^r Dulany from the Committee of both Houses appointed to Examine the Books and Entries of the Sev^l Officers concerning Exports brought in their following Report read the same in his place and Delivered it in at the Table. The report was as followeth [The text of this report is printed at page 279.]

p. 341

On reading the said Report the House approve thereof & Appoint the Gentlemen of the Committee Appointed by this House to Join with such Members as shall be appointed by the Upper House to prepare an Address to the Governour to Obtain his Order to the Several Officers to lay Copies of their Entries before the Committee Appointed; And Ordered that it be an Instruction to the Members of this House to give the Governour as good an Account, as they can, of the State of the Trade of the Province.

On reading the Amendments proposed by the Upper House to the Bill Entituled an Act to make and Emit thirty Six thousand pounds Current Mony in Bills of Credit &c. The House Agree to make the several Amendments and ordered the same to be done Accordingly.

The following Message [The text of this message is printed at page 280.] Sent to the Upper House by Maj^r King & Coll. Ennalls, p. 342 Who return and say they Delivered the Same.

The Bill Entituled an Act reviving an Act for the Tryall of all Matters of fact in the Several Countys &c. was read and with the Amendments proposed Passed for Ingrossing.

The House Adjourns 'till to Morrow Morning Eight of the Clock

Thursday Morning September 2^d 1731.

Sept. ■

The House met according to Adjournment, The Members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

Capⁿ Willson appeared in the House this Morning

Coll^o Holland from the Upper House Delivered to M^r Speaker the bill Entituled an Act for laying on the Town a New called Marlborough Town &c. Indorsed thus,

By the Upper House of Assembly 28th August 1731.

Read the first time and Ordered to Lye on the Table

Signed p order J Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 280.]

L H. J. Coll^o Rider from the Upper House Delivered to M^r Speaker the Bill Entituled an Act to Prohibit the raising of hogs in any Town within this Province Indorsed thus,

By the Upper House of Assembly 31st August 1731.

Read the first time & ordered to Lye on the Table.

Signed p Order. J Ross Cl. Up. Ho.

p. 343 And thus, [See page 281.]

An Ingrossed bill Entituled an Act to Supply some Defects in a Deed of Bargain and Sale from Edward Warner late of London in the Kingdom of Great Britain Deceased to William Husbands late of Cecil County Deceased &c^a Was read and Assented to and sent to the Upper House with the Paper Bill thereof by Coll^o Herman & M^r Johnson, Who return and say they Delivered the same.

The Question was put that the Amendments proposed by the Upper House to the Bill Entituled an Act to Prohibit the raising of Hogs &c. be made to the said Bill, Resolved in the Negative.

A Bill Entituled an Act for releif of William Austin a Convicted felon in Talbot County Gaol. and Robert Lynch a Convicted felon in Kent County Gaol was read the first time & Rejected.

An Ingrossed bill Entituled an Act for the Tryal of all Matters of fact in the Several Countys &c. was read, The Question was put that the said bill be Assented to Resolved in the Negative.

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act Ascertainig the form of the Oath of Judge or Justice Indorsed thus.

By the Upper House of Assembly 23^d August 1731

Read the first time & Ordered to lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 282.]
The House Adjourns untill Two of the Clock in the Afternoon

Thursday September 2^d 1731 at two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all present as in the Morning.

The Bill Entituled an Act Ascertainig the form of the Oath of Judge or Justice was read & with the Amendments proposed by the Upper House passed for Ingrossing.

The Bill Entituled an Act to make and Emit thirty Six thousand pounds Current Mony of Maryland in Bills of Credit &c. Was read and with the Amendments proposed by the Upper House passed for

Ingrossing. The Bill Entituled an Act for the Amendment of the L. H. J. Staple of Tobacco &c was read the second time and Rejected and sent to the Upper House by Coll^o Gale and five more Who return and say they Delivered the same

The House Adjourns untill to Morrow Morning at Eight of the Clock

Friday Morning September 3^d 1731.

Sept. 3

The House met according to Adjournment. The Members were Called and all Present as Yesterday. The proceedings of Yesterday were read

The following Message [The text of this message is printed at page p. 344 282.] Was Sent to the Upper House by M^r Smith and M^r Courts together with the bill Entituled An Act for laying out the Town a New Called Marlborough &c. Who return and say they Delivered the same.

The Bill Entituled an Act for easing Sundry Inhabitants of this Province who are Owners of Vessells &c. Was read the second time and passed & Sent to the Upper House by M^r Beale and M^r Samuel Hanson, Who return and say they Delivered the same

The Question was put that a Message be sent to the Upper House concerning an Assize Law Resolved in the Affirmative.

Benj^a Tasker Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for laying out the Town a New Called Marlborough &c. And the following Message. [The text of this p. 345 message is printed at page 283.]

The following Message, [The text of this message is printed at page 284.] Was sent to the Upper House with the bill Entituled an Act reviving an Act for Tryal of all Matters of fact in the Several Countys &c. by Maj^r Hanson & M^r Knight, Who return and Say they Delivered the same.

The House Adjourns untill Two of the Clock in the Afternoon.

Friday Afternoon September the 3^d 1731.

The House met according to Adjournment. The Members were Called and all present as in the Morning Except Capⁿ Willson.

Ordered that M^r Parks be allowed his Account Claimed from the Publick if he make Appear to the next Committee for laying the Publick Levy that he hath Delivered all the Books of Laws that he was Obligated to Deliver by his Contract with the Publick

The Question was put that a Bill to Limit Officers fees be prepared. Resolved in the Negative.

John Rousby Esq^r from the Upper House Delivered to M^r Speaker p. 346 the Bill Entituled an Act for reviving an Act for the Tryal of all Matters of fact in the Several Countys &c^a

L. H. J. And the following Message. [The text of this message is printed at page 285.]

An Ingrossed bill Entituled an Act ascertaining the form of the Oath of Judge or Justice was read & assented to and sent to the Upper House with the Paper bill thereof by Coll. Fendall & Mr Courts, Who return and say they Delivered the same.

The Question was put that the House Consent to the last Amendments to the Assize Law by the Upper House Resolved in the Negative.

Coll^o Belt from the Committee of Aggreivances & Courts of Justice Delivered to Mr Speaker the following Report.

By the Committee of Aggreivances and Court of Justice
Sep^r the 3rd 1731

Your Committee being Informed that Several Clerks & Registers of Several of the Courts of Judicature within this Province take upon themselves to Tax Costs and Issue Executions thereon according to the Regulation of 1719 without having the Directions from the Several Judges of the said Courts which is humbly Offered by your Committee as an Aggreivance and the Consideration thereof referred to the house by your Committee.

Signed p Order. Cha : Worthington Cl.

Which report being read the House Unanimously Resolve the Evils therein Reported to be an Aggreivance and referr the Consideration thereof to the next Assembly.

Coll^o Ward from the Upper House Delivered to Mr Speaker the bill Entituled an Act for the Releif of Richard Smith &c. Indorsed thus.

By the Upper House of Assembly 25th August 1731.

Read the first time and Ordered to Lye on the Table.

Signed p Order. J Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 285.]

p. 347 The following Message [The text of this message is printed at page 286.] Was sent to the Upper House by Coll. Herman and Capⁿ Blackistone, Who return and say they Delivered the same.

Benjamin Tasker Esq^r from the Upper House Delivered to Mr Speaker the following Message [The text of this message is printed at page 286.]

Coll. Tilghman from the Upper House Delivered to Mr Speaker the following Message. [The text of this message is printed at page 286.]

John Hall Esq^r from the Upper House Delivered to M^r Speaker L. H. J. the following Message. [The text of this message is printed at page 286.]

The following Message [The text of this message is printed at p. 348 page 287.] Was sent to the Upper House with the bill Entituled an Act for the relief of Richard Smith &c by Maj^r King and Eleven more, Who return and Acquaint M^r Speaker they Delivered the Same.

An Ingrossed bill Entituled an Act [to make and emit] thirty Six thousand pounds Current Money of Maryland in Bills of Credit &c^a Was read and Assented to and sent to the Upper House with the Paper bill thereof by Coll. Herman and Capⁿ Blackistone, Who return and say they delivered the same. The Money Journal was read And Assented to. The House Adjourns untill to Morrow Morning at Seven of the Clock.

Saturday Morning September 4th 1731

Sept. 4.

The House met according to Adjournment, The Members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

The Journal of Accounts was sent to the Upper House by M^r Beale and M^r Chamberlain, Who return and say they Delivered the same.

A Bill Entituled an Act to prevent the Clandestine runing or Importation of Trashy Tobacco from the Colony of Virginia In to this Province, Was read the first and second time by an Especial Order and passed and sent to the Upper House by Coll^o Fendall Major Turbut and M^r Waughop, Who return and say they Delivered the same.

The following Message [The text of this message is printed at page 288.] Was sent to the Upper House by Maj^r King and Coll^o Ennalls, who return and say they Delivered the same.

Daniel Dulany Esq^r from the Committee appointed to prepare an Address to his Excellency the Governour brought in an Address prepared which was approved & Ordered to be Ingrossed.

A Bill Entituled an Act to continue and Aid the Process and proceedings in the Provincial Court and to Adjourn the said Court which is to be held in September next and on the Thursday before the third Tuesday in October next unto the third Tuesday in October next was read the first And second time by an Especial Order & passed.

The House Adjourns untill Two of the Clock in the Afternoon

Saturday at two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all present as in the Morning.

L. H. J. The Bill Entituled an Act for laying out the Town a new called Marlborough town &c. was referred to the Consideration of the Next Assembly.

The House proceed to Tax the private Bills passed into Laws the last Session, And the private Bills this Session.

The Act to Supply some Defects in a Deed of Bargain and Sale from Audry Tallard of S^t Marys County Widow, to Philemon Hemsley &c^a

	£ s. d.
To the Hoñble Speaker.	2: 0: 0
To the Clerk.	1: 0: 0

The Act to Enable the Clerk of the Provincial Court or the Clerk of Baltemore County Court to Record a Deed of Bargain & Sale from Thomas Gibson to James Kingsbury &c.

To the Hoñble Speaker	1: 0: 0
To the Clerk	0: 10: 0

The Bill Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from Edward Mitchell of Kent County Gent. to John Ward of Cecil County Gent. And from the said Ward to William Ennalls of Dorchester County &c.

To the Hoñble Speaker	1: 10: 0
To the Clerk	0: 15: 0

The Bill Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from William Green Senior of Dorchester County to Coll^o John Rider of the same County &c^a

To the Honble Speaker	3: 0: 0
To the Clerk	1: 10: 0

The Bill Entituled an Act to Supply some Defects in a Deed of Bargain & Sale from Edward Warner late of London in the Kingdom of Great Britain Deceased to William Husbands late of Cecil County Deceased &c^a

To the Honble Speaker	0: 10: 0
To the Clerk	0: 5: 0

Coll. Holland from the Upper House Delivered to M^r Speaker the Bill Entituled an Act for the Releif of Richard Smith &c. And
p. 350 the following Message. [The text of this message is printed at page 289.]

The Bill Entituled an Act to Continue and Aid the process and proceedings in the Provincial Court &c. Was Sent to the Upper House by M^r Crabb and M^r Hemsley Who return and say they Delivered the same.

John Rousby Esq^r from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 291.]

Coll^o Rider from the Upper House Delivered to M^r Speaker the L. H. J. Bill Entituled an Act for Easing Sundry Inhabitants of this Province who are Owners of Vessells from some Difficulties they are put to &c. Indorsed thus.

By the Upper House of Assembly 3^d September 1731

Read the first time & Ordered to Lye on the Table

Signed p Order J Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 290.]

Which Bill was read and with the Amendments proposed for p. 351
Ingrossing.

Daniel Dulany Esq^r brought in the Address of both Houses to the Governour, Ingrossed which is as followeth. [The text of this address is printed at page 291.] p. 352

Ordered that M^r Beale and Capⁿ Gordon agree with some person to make the repairs and Other Necessarys to the Stadt House & that the Treasurer of the Western Shore Comply with any Draft they shall make on that Account.

M^r Speaker and the rest of the Members of this House went and presented the Address to his Excellency the Governour in Conjunction with the Members of the Upper House in the Conference Chamber.

M^r Speaker and the other Members of this House returned. M^r p. 353
Speaker reassumed the Chair.

Coll^o Ward from the Upper House Delivered to M^r Speaker the bill Entituled an Act to prevent the Clandestine runing of Tobacco &c^a Indorsed thus.

By the Upper House of Assembly 4th September 1731

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 293.]

Which Bill was read here and with the Amendments proposed passed for Ingrossing Coll^o Tilghman from the Upper House Delivered to M^r Speaker the Journal of the Committee of Accounts Indorsed thus,

By the Upper House of Assembly 4th September 1731.

Read and Assented to.

Signed p Order J Ross Cl. Up. Ho.

L. H. J. The following Message, [The text of this message is printed at page 293.] Was sent to the Upper House by M^r Beale and M^r George, Who return and acquaint M^r Speaker they Delivered the same.

The House Adjourns untill Monday Morning at Seven a Clock

Sept. 6

Monday Morning September 6th 1731

The House met according to Adjournm^t

The Members were Called and all present as on Saturday, The proceedings of Saturday were read.

Ordered that M^r Jobson purchase one thousand Logs to repair the Pasture Fence of the City.

An Ingrossed bill Entituled an Act for the releif of Richard Smith &c. Was read and Assented to and sent to the Upper House with the paper Bill thereof by M^r Beale & Coll^o Ennalls, Who return and say they Delivered the same.

p. 354 An Ingrossed bill Entituled an Act for Easing Sundry Inhabitants of this Province who are Owners of Vessells from some Difficulties &c. was read and Assented to, And sent to the Upper House with the paper Bill thereof by Maj^r King and M^r Thompson, Who return and say they Delivered the same.

A Bill Entituled an Act Empowering a Committee to lay Assess and apportion the Publick Levy for this Present Year One thousand Seven hundred and thirty one was read the first and second time by an Especial Order and passed and sent to the Upper House by John Beale Esq^r and Coll^o Ennalls Who return and say they Delivered the same.

An Ingrossed bill Entituled an Act to prevent the Clandestine running or Importation of Trashy and other Tobacco &c. Was read and Assented to and sent to the Upper House with the paper bill thereof by Capⁿ Waughop and Capⁿ Blackistone, Who return and say they Delivered the Same.

The House Adjourns untill Two of the Clock in the Afternoon

Monday Afternoon Sept^r 6th 1731.

The House met according to Adjournment.

The Members were Called and all Present as in the Morning.

Coll^o Ward from the Upper House Delivered M^r Speaker the Bill Entituled an Act to Continue & Aid the process and proceedings in the Provincial Court &c. Indorsed thus

By the Upper House of Assembly 4th September 1731

Read the first time & Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 295.]

L. H. J.

The Bill Entituled an Act to Continue and Aid the process and proceedings in the Provincial Court &c. Was read and with the Amendments proposed passed for Ingrossing.

The Mony Journal was read and Assented to and sent to the Upper House by M^r Beale & M^r Chamberlain, Who return and say they Delivered the same

Benjamin Tasker Esq^r from the Upper House Delivered to M^r Speaker the paper Bill Entituled a Supplementary Act to an Act Entituled an Act for Settling the rates of foreign Silver Coyns within this Province Indorsed thus,

By the Upper House of Assembly 31st Aug^t 1731

The Engrossed bill Whereof this is the Original is read & Assented to.

Signed p Order J Ross Cl. Up. Ho.

The paper bill Entituled an Act to Supply some Defects in a Deed of Bargain and Sale from Edward Warner late of London in the Kingdom of Great Britain deceased &c. Indorsed thus.

By the Upper House of Assembly 2^d Sept^r 1731

The Ingrossed bill whereof this is the Original is read and As- p. 355
sented to.

Signed p Order J Ross Cl. Up. Ho.

The Paper bill Entituled an Act Ascertaining the form of the Oath of Judge or Justice Indorsed thus,

By the Upper House of Assembly 3^d September 1731

The Ingrossed bill whereof this is the Original is read and Assented to

Signed p Order J Ross Cl. Up. Ho.

The paper bill Entituled an Act for the Releif of Richard Smith &c. The Paper bill Entituled an Act for easing the Inhabitants of this Province who are Owners of Vessells from some Difficulties &c. And the Paper Bill Entituled an Act to prevent the Clandestine running or Importation of Trashy and other Tobacco &c^a Severally Indorsed thus.

By the Upper House of Assembly 6th September 1731

The Ingrossed Bill whereof this is the Original is read and Assented to

Signed p Order J Ross Cl Up Ho.

L. H. J. Coll^o Tilghman from the Upper House Delivered to M^r Speaker the Mony Journal Indorsed thus.

By the Upper House of Assembly 6th Sept^r 1731
Read & Assented to.

Signed p Order J Ross Cl. Up. Ho.

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act Empowering a Committee to lay Assess and Apportion the Publick Levy &c^a Indorsed thus.

By the Upper House of Assembly 6th September 1731.
Read the first & Second time by an Especial Order and will pass.
Signed p Order J Ross Cl. Up. Ho.

Which bill was read here and passed for Ingrossing.

An Ingrossed bill Entituled an Act Empowering a Committee to lay Assess and Apportion the Publick Levy &c. was read & Assented to and sent to the Upper House with the paper bill thereof by Capⁿ Elliot and M^r Johnson, Who return & say they Delivered the same.

An Ingrossed bill Entituled an Act to Continue and Aid the proceedings in the Provincial Court &c. Was read & Assented to And sent to the Upper House by M^r Crabb and M^r Hemsley Who return and say they delivered the same.

John Hall Esq^r from the Upper House Delivered to M^r Speaker the Paper bill Entituled an Act impowering a Committee to lay Assess & Apportion the Publick Levy &c. Indorsed thus

By the Upper House of Assembly 6th September 1731
The Engrossed bill whereof this is the Original is read & Assented to.

Signed p Order J Ross. Cl. Up. Ho.

An Act to Continue and Aid the Process and proceedings in the Provincial Court & to Adjourn the said Court which is to be held in September next and on the Thursday before the third Tuesday in October next unto the third Tuesday in October next Indorsed thus,

By the Upper House of Assembly 6th September 1731.
The Engrossed bill whereof this is the Original is read & Assented to.

Signed p order J Ross Cl. Up. Ho.

p. 356 Coll^o Holland from the Upper House Delivered to M^r Speaker the paper bill Entituled an Act to make and Emit thirty Six thousand

pounds Currant Mony of Maryland in bills of Credit &c. Indorsed L. H. J.
thus,

By the Upper House of Assembly 6th September 1731

The Engrossed bill whereof this is the Original is read & Assented to

Signed p Order J Ross Cl Up Ho.

The Treasurer of the Western Shore is Ordered to make the payment to the Several Persons Allowed in the Mony Journal

M^r Beale and M^r Key were Ordered to go and acquaint the Governour, that nothing of Moment lay before this House to Transact, They return and acquaint M^r Speaker they Delivered their Message.

Philemon Lloyd and Benjamin Tasker Esq^{rs} from the Upper House Acquaint M^r Speaker that the Governour requires him and the rest of the Members of this House to Attend him Immediately at his House, they withdrew

M^r Speaker and the rest of the Members of this House went to the Governour's House.

M^r Speaker Presented to the Governour the following Ingrossed bills. [This list is printed at page 297.]

p. 357

All which the Governour passed into Laws by sealing them with the Right Honourable the Lord Proprietarys Greater Seal at Arms: And Severally thus. Indorsing them Viz.

September 6th 1731.

On Behalf of the Right Honourable the Lord Proprietary of this province I will this be a Law

Ben^{dt} Leon^d Calvert

Except the Act Entituled a Supplementary Act to An Act, Entituled an Act for settling the rates of foreign Silver Coyns within this Province And the Act Ascertainning the form of the Oath of Judge or Justice of which he would be advised. p. 358

After which the Governour made the following Speech. [This speech is printed at page 298.]

Then the Governour with the Advice of his Lordship's Council was pleased to Prorogue this Assembly to the 30th of this Instant.

M^r Speaker with the rest of the Members of this House returned, M^r Speaker reassumed the Chair; and repeated what the Governour had done & said, Whereupon this House Prorogues it Self to the 30th of this Instant.

So Endeth this fifth Session of Assembly, this Sixth day of September Anno Domini 1731.

Test M: Macnemara Cl. Lo. Ho.

ACTS

Session At a Session of Assembly, begun and held at the City of Annapolis,
Laws in Maryland, the Nineteenth Day of August, 1731, the following
Printed by Laws were Enacted.
William
Parks, 1731

Chap.
XVIII

p. 3

An Act for easing sundry Inhabitants of this Province, who are Owners of Vessels, from some Difficulties they are put to, by an Act, entituled, a Supplementary Act to the Act, entituled, an Act for laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

Forasmuch, as it appears to this General Assembly, That the Owner or Owners of any Vessel belonging to this Province, may, by the Act of Assembly aforesaid, be put to very great Inconveniences, where they live remote from any Naval-Officer, or have Occasion to make Entry of such Vessel in any other Port of this Province, than where such Owner or Owners reside, by their being obliged to go to the Naval-Officer of the Port where such Entry is made, to prove their Property in said Vessel:

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Oath made by the Owner or Owners of any Vessel, before a Magistrate, in any County where any such Owner or Owners shall reside, agreeable to the Form of the Oath prescribed by the beforementioned Act, and a Certificate thereof, under the Hand and Seal of the Magistrate who shall administer the same, shall be taken and allowed to be as good and effectual, to all Intents and Purposes whatsoever, and shall entitle the Owner or Owners of such Vessel, and all others concerned, to the same Priviledges and Allowances, as if the said Oath had been taken before the Naval-Officer of the Port where such Vessel hath or shall be entered.

Provided always, That a Certificate of the Taking such Oath, under the Hand and Seal of the Magistrate who shall take the same, shall be delivered to the Naval-Officer where any Entry is or shall be made, some Time before the Clearing such Vessel.

And, Whereas it may happen, That the Owners of a Vessel may reside in different Counties in this Province, so that they cannot conveniently meet together, to make Oath to their Property, before one Magistrate:

p. 4

Be It Enacted, by the Authority, Advice, and Consent aforesaid, That where any Person, who, by the Register of any Vessel, appears

to be Part Owner of her, shall, before some Magistrate, Make Oath, Session Laws
 that he or she is Part Owner of the said Vessel; and that the Persons
 who appear by the Register of the said Vessel to be Owners of her,
 are, to the best of his or her Knowledge, sole Owners of such Vessel;
 and that he or she verily believes, that no Person whatsoever, that
 is not an actual Resident within this Province, hath any Share or
 Part of the said Vessel; and shall produce Certificates of having such
 Oaths under the Hands and Seals of the Magistrates before whom
 the same shall be taken, unto the Naval-Officer of the Port where
 such Vessel shall be Entred, some Time before the Clearing of such
 Vessel; the Owners of the said Vessel, and all others concerned, shall
 be entituled to the same Priviledges and Advantages, as if the Owners
 of the said Vessel, had made the Oath required by the before men-
 tioned Act, before the Naval-Officer of the Port, where such Entry
 is or shall be made; any Law, Usage, or Custom to the contrary, in
 any wise, notwithstanding.

An Act for Reviving an Act of Assembly, entituled, an Act for Re- Chap. XII
 lieving the Inhabitants of this Province, from some Aggrievances 1714, ch. 4
 in the Prosecution of Suits at Law; and for Reviving and Con- 1728, ch. 24
 tinuing the Supplementary Act thereto.

Be It Enacted, by the Right Honourable the Lord Proprietary, by
 and with the Advice and Consent of his Lordship's Governor, and
 the Upper and Lower Houses of Assembly, and the Authority of the
 same, That the above mentioned Act, entituled, An Act for Relieving
 the Inhabitants of this Province, from some Aggrievances in the
 Prosecution of Suits at Law, made at a Session of Assembly, begun
 and held at the City of Annapolis, the Twenty Second Day of June,
 Anno Domini Seventeen Hundred and Fourteen, be and is hereby
 Revived, and shall be in full Force, from and after the End of this
 Session of Assembly, for and during the Term of Three Years, and
 to the End of the next Session of Assembly, which shall happen after
 the said Three Years. And also that one other Act, entituled, a Sup-
 plementary Act to the Act for Rêlieving the Inhabitants of this Prov-
 ince, from some Aggrievances in the Prosecution of Suits at Law,
 made at a Session of Assembly, begun and held at the City of An-
 napolis the Third Day of October, Anno Domini Seventeen Hundred
 and Twenty Eight, shall be and is hereby Revived and Continued in
 full Force, during the Continuance of the First recited Act.

An Act to make and emit Thirty Six Thousand Pounds Current Chap. XXI
 Money of Maryland, in Bills of Credit; and for easing the Inhabi- P. 5
 tants of this Province; and to raise a Fund to sink the said Bills of
 Credit.

Whereas, the Want of Money within this Province, is not only a
 very great Obstruction to the Trade thereof, but also obliges Trades-

Session men and other Persons, (who might be employed more to the Advan-
 Laws tage of themselves and the Publick, in their respective Trades and
 other Occupations) to make Tobacco, with which Commodity, by the
 great Quantity thereof already made, the European Markets are over
 stocked, and the Price thereof so very low, that the People who have
 no other Dependance, must in a short Time, unless relieved, be
 reduced to Want: For Prevention whereof,

Be It Enacted, by the Right Honourable the Lord Proprietary, by
 and with the Advice and Consent of his Lordship's Governor, and
 the Upper and Lower Houses of Assembly, and the Authority of
 the same, That Bills of Credit, to the Value of Thirty Six Thousand
 Pounds Current Money of Maryland, be printed, That is to say,
 Fifteen Thousand Bills of Twenty Shillings Currency each, Ten
 Thousand Bills of Fifteen Shillings each, Ten Thousand Bills of Ten
 Shillings each, Ten Thousand Bills of Five Shillings each, Eight
 Thousand Bills of Two Shillings and Six Pence each, Sixteen Thou-
 sand Bills of One Shilling and Six Pence each, Forty Thousand Bills
 of One Shilling each, and Seventy Two Thousand of Six Pence
 each; which Bills shall be indented, and impressed on the Left Side,
 near the Tops of the said Bills, with the Arms of the Lord Pro-
 prietary: And that the said Bills shall be in the Form following:

This indented Bill of Current Money of the Province of
 Maryland, shall pass Current in all Paiments, according to an Act in
 that Case made and provided. Dated at Annapolis the Day of
 in the Year of Our Lord, One Thousand Seven Hundred and
 Thirty

Which Bills shall be signed and numbered by Five such Com-
 missioners, as the Lord Proprietary, or the Governor for the Time
 being, or the President for the Time being, in the Absence of the Lord
 Proprietary and the Governor, shall, under his Hand and Seal ap-
 point, for executing the Powers in this Act mentioned; and the Sums
 of Money, that every the said Bills is to pass for, shall be printed at
 the Top of each Bill, under the Lord Proprietary's Arms, and at the
 Bottom of each Bill; that each Bill of Five Shillings shall be marked
 with a Crown, each Bill of Ten Shillings Value with two Crowns,
 each Bill of Fifteen Shillings Value with Three Crowns, and each
 Bill of Twenty Shillings Value with Four Crowns; and that the
 Value of each Bill under Five Shillings, shall be marked in the Mar-
 gin with Roman Figures, signifying the Value of each respective
 Bill so marked: And the Counter-parts of the said Bills shall be like-
 wise printed, and shall be numbered by the said Commissioners, and
 kept by them unsigned, at the Office, to be appointed for that Purpose
 by Virtue of this Act, where the said Counter-parts shall be by the
 said Commissioners, or any Three of them, entered in Books to be
 kept for that Purpose, under the Care and Charge of the said Com-
 missioners, or any Three of them, for trying the Truth of the Original

Bills, when there shall be Occasion ; and that the said Bills shall be so shaped and fashioned, as may render them the least liable to be counterfeited : And the said Commissioners shall be chargeable with the Monies mentioned in this Act, contained in the said Bills, so signed and numbered by them as aforesaid, and as herein before directed, and ordered to be disposed of, as shall be by this Act hereafter directed and appointed : And the said Commissioners, or any Three of them, shall cause to be kept a true Account of all the said Bills by them signed and numbered, as aforesaid ; and before the said Commissioners so to be appointed, shall act, they shall take the Oath following, before One Provincial Justice, viz.

Session
Laws

I A B do swear, that I will faithfully, honestly, and diligently execute the Office and Duty of Commissioner, appointed by Virtue of an Act of Assembly, entituled, An Act to make and emit Thirty Six Thousand Pounds current Money of Maryland, in Bills of Credit ; and for easing the Inhabitants of this Province ; and to raise a Fund to sink the said Bills of Credit, according to the true Intent and Meaning of the said Act, to the best of my Knowledge and Understanding. So help me God.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the said Commissioners, or any Three of them, are hereby authorized and empowered, to issue, manage, and negotiate, the original Bills of Credit, according to the Directions herein after prescribed : And for the Directing, Performing, and Managing all other Things by this Act enjoined and required to be performed and transacted by the said Commissioners, or any Three of them, relating to the said Bills of Credit, that the said Commissioners for the Time being, or any Three of them, shall duly attend at the Time and Place hereafter mentioned.

Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the said Commissioners, and each of them, shall, before they or any of them act in the said Office, give a separate Bond, with Two sufficient Sureties, before the Chancellor of this Province for the Time being, in the penal Sum of Two Thousand Pounds current Money of this Province, payable to the Lord Proprietary, with a Condition for the due Execution and Discharge of the several Duties and Powers enjoined by this Act, to be by them executed and performed ; which said Bond so executed, shall be lodged in the Secretary's Office, and shall and may be assigned and sued at the Direction of the Assembly, as other Publick Bonds have been used to be assigned and sued : And if any of the Persons appointed by this Act to be Commissioners shall die, or be removed, before the Powers to them hereby respectively given, shall be fully executed, it shall and may be lawful, for the Lord Proprietary, or the Governor for the Time being, or the President for the Time being, in the Absence of the Lord Proprietary and the Governor, to nominate

Session and appoint some other Person in the Room and Place of the Com-
 Laws missioner so dying or removed, as aforesaid; which said Commis-
 sioner or Commissioners so to be appointed, as aforesaid, and entring
 into Bond as aforesaid, and taking the Oath aforesaid, shall act as is
 prescribed by this Act.

- p. 7 And It Is Hereby Further Enacted, by the Authority aforesaid, by
 and with the Advice and Consent aforesaid, That the said Commis-
 sioners so to be appointed by Virtue of this Act, shall, for the due
 Execution thereof, and the Powers to them thereby given, hold their
 Office at the City of Annapolis. And to the End that the said Bills
 of Credit may be circulated with Ease to the People, and to prevent
 the Exportation of too great Quantity of the most ordinary Tobacco,
 as well as to recompence the People for their Labour and Pains in
 making the same,

Be It Enacted, That the Commissioners aforesaid, shall transmit
 to the Justices of every County Court, at the several County Courts
 which shall be held in the Month of June, in the Year One Thousand
 Seven Hundred and Thirty Two, together with the Sum of Fifteen
 Pounds in Bills of Credit, to be paid to each of the County Clerks, and
 what may be thought by the Commissioners, or any Three of them, to
 be sufficient to pay the Persons appointed to destroy Tobacco, accord-
 ing to this Act, the Sum of Fifteen Shillings current Money, in the
 said Bills of Credit, for every Six Thousand Plants, and in Propor-
 tion for a greater or lesser Quantity, which shall be counted and left
 standing in each County, by Virtue of an Act of Assembly, entituled,
 an Act for Improving the Staple of Tobacco; and for continuing
 Part of an Act ascertaining the Gauge and Tare of Tobacco Hogs-
 heads; and to prevent cropping, cutting, and defacing Tobacco taken
 on Board Ships or Vessels upon Freight; & for laying Impositions
 on Tobacco per the Hogshead, for the Support of Government; and
 for the encouraging Settlements in this Province, by ascertaining the
 Manner of paying his Lordship's Alienation Fines and Quit-Rents,
 for the Term therein proposed; and for taking off the Three-pence
 per Hogshead formerly raised for the Publick Charge: Which said
 Bills of Credit, so to be transmitted to the said County Justices as
 aforesaid, shall be lodged with the County Clerks; who are hereby
 enjoined and required, under the Penalty of Fifty Pounds current
 Money of this Province, to be recovered and applied as the other For-
 feitures and Penalties in this Act mentioned, to receive the same; and
 upon Receipt thereof, to enter into Bond, to be taken by the Justices,
 in the penal Sum of One Hundred Pounds, with Two sufficient Sure-
 ties, payable to the Lord Proprietary, with a Condition to produce and
 deliver the same at any Time or Times, as shall or may be proper and
 necessary for the Distribution and Delivery of the same, to the Inhabi-
 tants of each County, according to the Directions of this Act; and
 which said Bills so transmitted and lodged as aforesaid, shall be by

them distributed and delivered to the several Inhabitants of each respective County, in the Proportion and Manner, and at the Times and Places herein after mentioned, in the Preference of any Two Justices of each County; for which Purpose, Two Justices shall attend: And also, that there shall be One Hundred and Fifty Pounds of the most ordinary Tobacco, to be tied up in Bundles dry enough to pack, destroyed in the Manner herein after mentioned, and by the Persons herein after directed to be appointed, for every Six Thousand Plants, allowed by Law to be tended, and so in Proportion for a greater or lesser Number, shall be destroyed and consumed; and that for every Hundred and Fifty Weight of Tobacco so to be destroyed, the Proprietor thereof, shall be allowed Fifteen Shillings in the said Bills of Credit, and so in Proportion for a greater or lesser Quantity: And to the End, that the said Tobacco may be effectually destroyed, according to the true Intent and Meaning of this Act, Session
Laws

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent aforesaid, That the Justices of the several and respective County Courts, shall, at the several County Courts, to be held in the Month of June, next ensuing this present Session, appoint Two good substantial Persons, not being Councillors, Delegates, Magistrates, Clergimen, Sheriffs, or Physicians, of good Character and known Probity, in each Precinct, appointed for the Counters of Tobacco Plants, by the said Act of Assembly, entituled, an Act for the Improving the Staple of Tobacco; & for continuing Part of an Act ascertaining the Gauge and Tare of Tobacco Hogsheads; and to prevent cropping, cutting, and defacing Tobacco taken on Board Ships or Vessels upon Freight; & for laying Impositions on Tobacco per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed; and for the taking off the Three-pence per Hogshead formerly raised for the Publick Charge: Who shall by Virtue of their Office, and this Act, take Copies of the said several Counters Lists returned into the County Court; which said Lists, the several Clerks of the County Courts, are hereby required to deliver them, within Twenty Days after such Appointment; and the Persons so appointed, shall also by Virtue of their Office, and this Act, destroy or cause to be destroyed, by reducing the same to Ashes, the several Quantities of Tobacco already mentioned, and take the following Oath, (or Affirmation if a Quaker) viz.

I A. B. do swear, (or affirm) That I will well and truly destroy, or cause to be destroyed, the Quantity of Tobacco, appointed and directed by an Act of Assembly, entituled, An Act to make and emit Thirty Six Thousand Pounds Current Money of Maryland, in Bills of Credit; and for easing the Inhabitants of this Province; and to raise a Fund to sink the said Bills of Credit, to be destroyed according,

Session to the Directions of the said Act, within my Precinct, without Favour,
Laws Partiality, Prejudice, or Corruption.

Provided Always, No Person who shall be appointed by the respective County Courts, to put this Act in Execution, shall be liable or obliged to take any Oath or Oaths to the Government, to qualify him for the said Trust, nor liable to any Pains, Penalties, or Forfeitures, for not taking any of the Oaths to the Government; any Law, Usage, or Custom to the contrary, notwithstanding.

And Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent aforesaid, That every such Person, so to be nominated and appointed, shall have immediate Notice of such Nomination and Appointment, during the Sitting of the said Court, with an Order from the said Court or Courts, to attend the same Court, in order to qualify him or themselves, as directed by this Act.

And Be It Enacted, by the Authority aforesaid, That any Person who shall be nominated and appointed as aforesaid, by the County Courts, and who shall refuse to attend, in order to be qualified as
p. 9 aforesaid, or act, not having a sufficient Excuse, to be admitted by the Court appointing him or them, shall forfeit the Sum of Fifty Pounds current Money, aforesaid; to be recovered in the Name of the Lord Proprietary, by Information, to be applied towards the sinking Fund, mentioned in this Act: And that the said Justices shall appoint another Person to execute the same Trust, who shall have the like Notice; and on the like Refusal, shall be subject to the like Penalty and Forfeiture: And in Case of the Death, or Removal out of this Province, or Disability by Sickness, of any Person so nominated, and qualified, as aforesaid, then it shall and may be lawful, to and for Two Justices of the Peace of such County, and they are hereby enjoined, immediately on Notice of such Death, Removal, or Disability, to nominate and appoint one other fit and proper Person, as herein before described, in the stead of such Person dead, removed, or disabled; and which Person so nominated and appointed, shall have immediate Notice, to be sent by the said Two Justices, to attend them, and qualify himself, pursuant to this Act; and upon his Neglect to attend them, for that Purpose, or Refusal to act, without sufficient Excuse, to be admitted by the next County Court ensuing such Neglect or Refusal, shall forfeit Fifty Pounds current Money; to be recovered, and applied as aforesaid: And that Two Justices of each County, may have timely and immediate Notice, of any Death, Removal, or Disability, as aforesaid, of either of the Persons appointed and qualified, the other surviving or capable Person, so appointed and qualified as aforesaid, shall give, or cause to be given, Notice of the same, immediately after he shall have heard thereof, to Two Justices of the Peace, for the County where the Person so dead, incapacitated to act, or removed

from, did reside, under the Penalty of Fifty Pounds; to be recovered and applied as aforesaid. And the said several Justices, having such Notice, shall and are hereby enjoined and required to proceed to the Nomination and Appointment of fit Persons, of known Probity, and good Character, as often as any Person or Persons shall refuse or neglect to attend, for their Qualification, or to act as aforesaid, until they shall have nominated and appointed Two such Persons as aforesaid, and who will qualify themselves to act, according to the Directions of this Act: And the said several Justices, for their Neglect to perform and do what is required by this Act to be done and performed, by them, and every of them, shall forfeit Fifty Pounds each; to be recovered and applied in Manner aforesaid. And that the several Quantities of Tobacco, intended by Virtue of this Act to be destroyed, may not be disposed of, or otherwise secreted from the Persons designed by this Act to destroy them:

Be It Enacted, by the Authority aforesaid, That every Person and Persons whatsoever, to whom every Six Thousand Plants, herein before mentioned, or any part or proportion thereof, shall belong, or his, her, or their Overseer or Overseers, shall be obliged, enjoined, and required by this Act, to keep and preserve, until the last Day of July, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two, One Hundred and Fifty Weight of the most ordinary Tobacco, for every Six Thousand Plants as aforesaid, and also a proportionable Part of such Tobacco, for a greater or lesser Quantity than Six Thousand Plants, unless the same shall be destroyed sooner; by the Persons to be appointed for that Purpose; which said Quantity of the most ordinary Tobacco, the Owner or Overseer; where the same shall be made, of the Six Thousand Plants, or a greater or lesser Quantity thereof, shall produce and show, or cause to be produced and shown, to the Persons herein before mentioned to be nominated and qualified for the Destruction thereof, when such Persons require the same, under the Penalty and Forfeiture of Forty Shillings current Money, for every Person that shall be allowed to tend Tobacco on such Plantation; to be recovered from the Owner or Overseer, in Manner aforesaid; and to be applied towards the sinking Fund, by this Act intended to be raised.

Provided, Such Request to be made by the Persons qualified as aforesaid, be on or before the last Day of July, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two. And for the more effectual securing such Quantities of Tobacco, for the Purposes aforesaid,

Be It Enacted, by the Authority aforesaid, That it shall not be lawful, to or for any Sheriff or other Officer, or Person whatsoever, to levy or take, or cause to be levied or taken, before the said last Day of July, Seventeen Hundred and Thirty Two, by way of Execution, or by Virtue of any other Process, such Quantity of Tobacco, or any

Session Part thereof, which ought to be destroyed as aforesaid, from any
 Laws Person or Persons whatsoever, within this Province, not having at the Time of serving such Execution, or other Process, a sufficient Quantity of Tobacco to satisfy such Execution or Process, besides the Quantity or Quantities of Tobacco directed to be kept, in order to be destroyed, in Pursuance of, and by Virtue of this Act. And the better to enable the said Commissioners, to send to the several Counties, the Sums of Money in Bills of Credit, which the said Tobacco so as before directed to be destroyed, amounts unto,

Be It Enacted, by the Authority aforesaid, That the Clerks of the several County Courts within this Province, shall be, and they severally are hereby required and obliged, by the last Day of April next ensuing, to transmit to the Commissioners, at their Office at Annapolis, an exact Account of the Number of Tobacco Plants, by the several Counters, in their respective Counties, returned to the several Courts, to have been by them viewed and left standing; and in Case any of the said Clerks shall fail so to do, he or they shall forfeit and pay Ten Pounds current Money each; to be recovered and applied as aforesaid. And in order to raise a Fund, for sinking the said Bills of Credit, as also to support the Credit of the said Bills in Circulation,

Be It Enacted, by the Authority aforesaid, That one Moiety of the Three Pence per Gallon, due and payable by Virtue of a certain Act of Assembly, entituled, An Act laying an Imposition on Negroes; and on several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; for Rum, Wine, and other Spirits, which shall be imported into this Province, after the last Day of July, aforesaid, which shall be in the Year of our Lord God, One Thousand Seven Hundred & Thirty Two, and one Moiety of the Duty of Twenty Shillings
 p. 11 Sterling, on Irish Servants; and one Moiety of the Twenty Shillings Sterling, on Negroes, which shall be imported into this Province after the last Day of July, aforesaid, shall be applied towards a Fund, to sink the said Bills of Credit, and accounted for by the respective Treasurers, with, and paid to, the Commissioners, appointed by this Act; who shall allow the several Treasurers the same Salary they are now entituled unto; any Law, Usage, or Custom to the contrary, notwithstanding.

And Be It Further Enacted, by the Authority aforesaid, That every Person not being an Inhabitant or Resident, who shall after the last Day of July, Seventeen Hundred and Thirty Two, import into this Province any Rum, Wine, or other Spirits, (except from Great Britain,) shall be obliged to pay One Penny per Gallon, besides the Rates and Duties due and payable by Virtue of the said Act, laying an Imposition on Negroes; and on several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; to be collected and

received by the respective Naval Officers, and accounted for, with, ^{Session Laws} and paid to, the said Commissioners; and for which, the Naval Officers shall receive the usual Salary; and make the Importer the Allowance of Twenty per Cent, for Leakage.

And Be It Likewise Enacted, by the Authority aforesaid, That for every Gallon of Rum, Wine, and other Spirits, that shall be Imported, (except from Great Britain) into this Province, after the last Day of July, aforesaid, in any Vessel belonging to the Inhabitants of this Province only, shall be paid by the several Importers, to the several and respective Naval Officers, Two Pence current Money, to be collected as other Duties herein before mentioned; and accounted for, with, and paid to, the said Commissioners; and the same Salary to be allowed the Naval Officers; and the same Allowance made to the Importers, as the said recited Act directs.

And Be It Further Enacted, by the Authority aforesaid, That the several House-keepers, or Overseers, who are allowed to tend Tobacco Plants, shall be obliged to find and provide Wood for burning such Tobacco, as herein before mentioned, and to bring the same Wood and Tobacco to such convenient Place or Places, on their Plantations as the Persons appointed to see such Tobacco destroyed shall direct and appoint, on Penalty, that every Person who shall refuse to find and provide, and bring to convenient Place, such Wood and Tobacco, shall forfeit Ten Shillings current Money of Maryland, for every Hundred and Fifty Weight of Tobacco directed by this Act to be destroyed, One Half thereof to the Lord Proprietary, to be applied towards the sinking Fund, mentioned in this Act, to be accounted for, and paid to the said Commissioners for that Purpose, and the other Half to the Persons to be appointed to burn and destroy such Tobacco, as aforesaid; to be recovered before any single Magistrate, as in the Case of small Debts; and the Oaths of the Persons to be appointed as aforesaid, shall be allowed as Evidence to prove the Fact.

And Be It Enacted, by the Authority aforesaid, That the Persons to be appointed to burn and destroy Tobacco, according to the Direc- ^{p. 12} tions of this Act, in each respective Precinct, shall give each and every House-keeper, or other Person within their Precinct, allowed to tend Tobacco Plants, a Receipt for the Quantity of Tobacco that shall be destroyed, as aforesaid; and also return to the several Justices, at their next Court, a fair List of the several Quantities of Tobacco by them destroyed; which Lists are, by the said Justices, to be compared with the Counters List, lodged with their Clerk, in order to discover whether the full Quantities enjoined by this Act to be, shall be destroyed, which Receipt shall intitle every such House-keeper, or other Person, or his or her Order, to receive Fifteen Shillings in the said Bills of Credit, for every One Hundred and Fifty Pounds of Tobacco so destroyed; and that the Persons appointed to destroy, or cause such Tobacco to be destroyed, shall be paid Six Pence for every

Session Laws Hundred and Fifty Pounds of Tobacco that shall be so destroyed, to be divided between the said Persons, and so in Proportion for a greater or lesser Quantity; which the respective Justices of the several County Courts, are hereby impowered and required to pay out of the Bills of Credit to be lodged in their Hands, at the Court house of each County, and at the next County Courts after, or at any other County Court which shall be held subsequent to such Destruction; a List of which Receipts shall be transmitted by the respective Clerks, to the said Commissioners, on Pain of forfeiting Ten Pounds current Money; to be recovered and applied as aforesaid.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the said Bills of Credit, during the Continuance of this Act, shall pass in all payments, from one Person to another, and shall be deemed to be good Paiment for the Value contained in them, in all Contracts whatsoever hereafter to be made, for the Paiment of current Money, between any the Inhabitants of this Province, and also in all Contracts to be made for current Money between any Person trading into and any other Person within this Province, after this Act shall take Effect.

And Be It Likewise Enacted, by the Authority aforesaid, That it shall and may be lawful, for the several and respective Inhabitants of this Province, to pay and discharge Lawyers Fees in the said Bills of Credit, during the Circulation of them, at the Rate of Ten Shillings for every Hundred Pounds of Tobacco, and so in Proportion for a greater or lesser Quantity; and that the several Sheriffs shall receive such Bills of Credit, and pay them to the Persons to whom the Tobacco shall be due, for which the said Bills of Credit shall be paid and received; and that such Paiment in the said Bills of Credit, shall be as conclusive and beneficial to the Debtors, as Paiment of Tobacco in Specie would be, so as such Bills of Credit shall be paid on or before the last Day of March Yearly, during the Continuance of this Act: And that the Tender of the said Bills of Credit, where they are directed to be received in Paiments, shall intitle all Persons tendering them, to the same Advantage that a Tender of Gold and Silver would in Law intitle them to.

And Be It Further Enacted, by the Authority aforesaid, That the said Bills of Credit shall pass in Paiment and Satisfaction of all Rates
p. 13 and Entries and Duties, due and payable, or which shall thereafter be due or payable, by Virtue of any Act of Assembly of this Province, allowing in Sterling Paiments, One Hundred and Thirty Three Pounds, Six Shillings, and Eight Pence, of Bills of Credit, for One Hundred Pounds Sterling, for any Goods imported, or to to be imported, (except the Penny per Pound on Tobacco, due and payable to His Majesty, the Rates and Duties due and payable, or that shall hereafter be due or payable, to the Right Honourable the Lord Proprietary, the Governor, and the Duties raised or appropriated by this Act) for sinking the said Bills of Credit.

And Be It Further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons, that shall forge or counterfeit any such Bill or Bills of Credit, or that shall utter, or offer in Paiment any such forged or counterfeit Bill, knowing the same to be forged or counterfeited, and shall be thereof convict, by Verdict or Confession, in due Form of Law, shall be adjudged a Felon, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

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And Be It Further Enacted, by the Authority aforesaid, That if any Person shall produce to the Commissioners, or the major Part of them, torn or defaced Bills of Credit, made current by this Act, that the said Commissioners, or the major Part of them, shall deliver to each Person a new Bill or Bills, which they shall cause to be made, in Lieu of such torn or defaced Bills, to be vacated as herein after is provided.

And Be It Enacted, by the Authority aforesaid, That all and singular the Sums of Money arising by and appropriated by Virtue of this Act, shall be applied to and for the Sinking, Cancelling, and Destroying the Bills of Credit aforesaid, made current by this Act; and shall, by the Commissioners aforesaid, or the major Part of them, be given in Exchange for such Bills of Credit, as aforesaid, without any Deduction whatsoever, to any Person or Persons, who shall, during the Continuance of this Act, have any the said Bills of Credit in their Hands, in order that the said Bills be sunk and destroyed, as by this Act is directed. And that the said Bills may be, bona fide, sunk and destroyed, as the Fund arising by Virtue of this Act, is paid unto the Commissioners aforesaid, for the Time being,

Be It Enacted, by the Authority, Advice, and Consent aforesaid, That the said Commissioners, or the major Part of them, shall, once in the Year, after the last Day of May, which shall be in the Year One Thousand Seven Hundred and Thirty Five, to wit, on or before the last Day of May, Yearly, and every Year thereafter, during the Continuance of this Act, cause Advertisements to be affixed in the most publick Places in all the Counties on each Shore of the Province, or cause the said Advertisements to be published in the Maryland Gazette, setting forth what Quantities of Money have been received, and are in the Hands of the said Commissioners, by Virtue of this Act, and what Proportion the Money in their Hands shall bear to the Amount of the Bills of Credit Emitted and in Circulation; which Monies shall, by the Commissioners aforesaid, or the major Part of them, be given in Exchange, for the Bills of Credit made current by this Act, to any Person or Persons bringing in the same, without any Deduction, after the last Day of May, which shall be in the Year of our Lord God One Thousand Seven Hundred and Thirty Five.

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Provided, That no Person shall receive any more Money in Specie, for such Bills of Credit, than so much of the Sum that shall be in

Session the Hands of the Commissioners, as shall be proportionable to the
Laws whole Amount of the Bills of Credit Emitted, and in Circulation, and
as shall be proportionable to the Amount of the Bills of Credit to be
brought in as aforesaid, by any Person, to be exchanged for Money.

And Be It Further Enacted, by the Authority aforesaid, That the Bills of Credit so brought in and exchanged for Money, shall be destroyed by the said Commissioners, by drawing a Bar cross each of the said Bills, and writing the Word Vacated, on the Top, Bottom, or Margin of each Bill; and the same being Signed by the Clerk of the Commissioners Office, and filing the same on a File or Files to be kept for that Purpose, by the said Commissioners: And the said Commissioners, are required and directed, before the sinking and destroying of the said Bills, in Manner aforesaid, to compare the said Bills of Credit so brought in, with their Counter-parts; and cause the same to be entered in a Book to be kept for that Purpose, with the Number and Value of each Bill of Credit so brought in: Which said Proceedings the said Commissioners are hereby directed to make and pursue, at any Times, besides the Time already appointed by this Act, within Thirty Days after the Sum of One Thousand Pounds is brought into the Office aforesaid. And for the better Execution of this Act, the Commissioners are hereby impowered and directed to employ one fit and able Person as a Clerk, (who shall be sworn faithfully to discharge his Duty) to write and keep the Books and Accounts relating to their Office; and for the Care and Pains of said Commissioners and Clerk,

Be It Enacted, by the Authority aforesaid, That each of the said Commissioners shall receive Sixty Pounds for the First Year, and Forty Pounds, in Bills of Credit, for every Year afterwards, and after that Rate for a proportionable Time they shall continue in the said Office, to be allowed to them in their Accounts. And the Clerk of the said Office shall have Sixty Pounds per Annum, to be paid in Bills of Credit, by the said Commissioners; and to be allowed for Printing the said Bills, Books, Ink, Pens, and Paper, and a House or Room for an Office, and other necessary Charges, out of the said Bills of Credit.

And Be It Further Enacted, That in case the said Commissioners, at any Time, shall not have a Sufficient Value of Bills of Credit in their Hands, over and above the Bills of Credit to be brought in and destroyed, as aforesaid, that then for the defraying the necessary Charges aforesaid, it shall and may be lawful for the said Commissioners, or the major Part of them, to pay and defray the aforesaid Charges, out of the Monies then in their Hands, arising on the Funds established by this Act.

p. 15 And Be It Further Enacted, That if any Bills of Credit shall, after the Circulation of the said Bills of Credit, in Manner aforesaid, be and remain in the Hands of the said Commissioners, that then the

said Commissioners, or the major Part of them, are hereby im-
 powered and directed, to give publick Notice thereof, in either or
 both the Manners aforesaid; and to place the same out at Interest, at
 Five Pounds per Cent. for any Number of Years not exceeding Seven
 Years, to any Person or Persons applying for the same, (not exceed-
 ing Two Hundred Pounds, nor under Twenty Pounds, to any Per-
 son) who shall give good personal Security, in the Name of the Lord
 Proprietary, with an Indorsement, viz. For the Use of the Province
 of Maryland; pursuant to an Act, entituled, An Act to make and emit
 Thirty Six Thousand Pounds, Current Money of Maryland, in Bills
 of Credit; and for easing the Inhabitants of this Province; and to
 raise a Fund, to sink the said Bills of Credit; for the Re-paiement
 of the same, either in Bills of Credit, Bills of Exchange, with Al-
 lowance of Thirty Three Pounds, Six Shillings, and Eight Pence,
 for every Hundred Pounds, and in Proportion for a greater or lesser
 Sum, or Gold or Silver: And the said Commissioners are hereby
 directed, to require and receive, Annually, the Interest thereof, for
 the Use of the Sinking Fund, aforesaid, until such Bond becomes
 payable, and then to receive the principal Sum, so lent as aforesaid;
 and the Bills of Credit, if Re-paid, either for Interest or Principal,
 after the necessary Charges and Expences of the said Office are
 defraied, to be destroyed as aforesaid.

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Provided Always, That when and as often as the said Commis-
 sioners shall have just Cause to suspect, that the Borrower or Bor-
 rowers, of any of the said Bills of Credit, and their Sureties, are in
 Danger of becoming Insolvent, that in all Cases, the said Com-
 missioners may demand new or further Security for the Paiment of
 the Contents of the said Bills of Credit, so borrowed, according to
 the Condition of any Obligation to be passed for the same; and on
 the Borrowers refusing or neglecting to give such Security, it shall
 and may be lawful for the said Commissioners, to put such Obliga-
 tion or Obligations in Suit, and to prosecute the same to Judgment
 and Execution, altho' the Time limited in such Obligation for Pai-
 ment, be not come; any Law, Usage, or Custom to the contrary, not-
 withstanding.

And Be It Further Enacted, by the Authority aforesaid, by and with
 the Advice and Consent aforesaid, That the Governor for the Time
 being, or the President for the Time being, in the Absence of the Gov-
 ernor, may at any Time or Times, during the Continuance of this Act,
 and when he shall think proper, remove any of the said Five Commis-
 sioners, from the Office and Trust aforesaid, and nominate and ap-
 point other Commissioner or Commissioners, in the Room or Place
 of such Commissioner or Commissioners so removed. And also, that
 the said Commissioners shall lay their Accounts before a Committee
 of both Houses of Assembly, to be for that Purpose appointed, every
 Assembly, during the Continuance of this Act, in order for their

Session Examination, and further Direction of the Assembly: And the said
 Laws Committee shall enquire into the Goodness and Sufficiency of the
 Commissioners, and their Sureties; and if they find any Deficiency in
 them, or any of them, the Governor for the Time being, or President
 p. 16 for the Time being, in the Absence of the Governor, on Application
 to him made, may nominate and appoint, as aforesaid, other fit Person
 or Persons, in the Room of such as shall be found deficient; and every
 Person so nominated, shall comply with the Requisites by this Act
 prescribed.

And, since it is uncertain when the Funds aforesaid will arise to a
 Sum sufficient to sink all the said Bills of Credit, or when all the said
 Bills of Credit will be brought in,

Be It Enacted, That this Act continue, until such Time as it shall
 appear, by the Examination aforesaid, to the Assembly then in being,
 that a sufficient Sum is raised, by Virtue of this Act, to Pay and
 Discharge all the said Bills of Credit then in Circulation; at which
 Time all the said Bills of Credit shall be called in, and discharged by
 such Money, and the said Bills of Credit, sunk and destroyed, in Man-
 ner aforesaid, or any other Manner, the then Assembly shall direct.
 And to prevent any undue Preference, in paying out Money for Bills
 of Credit,

Be It Enacted, That the said Commissioners, shall not make any
 more than one Paiment in Gold or Silver, for the same Bills of Credit,
 in any One Dividend: And that to prevent any more than One Pai-
 ment, the said Commissioners shall put some such Mark on all the Bills
 that shall be brought in by any Person, in order to exchange some of
 them for Gold and Silver, and on which any Gold or Silver shall be
 actually paid, whereby such Bills may be known; and the Time when
 the Proprietors of them received Gold or Silver for Bills of Credit
 delivered in; and that no Person shall be entituled to any Gold or
 Silver, for any such Bills of Credit, more than once on one Dividend.

Provided, That no Part or Clause of this Act, shall have Effect,
 or be put in Execution, until such Time as the Approbation of His
 Lordship the Lord Proprietary of this Province, thereto, shall be
 Published and Declared; any thing before contained to the contrary,
 notwithstanding.

Chap. IX An Act for Reviving an Act of Assembly, entituled, an Act for the
 1723, ch. 12 Advancement of Justice; as also an Act of Assembly, entituled, a
 1730, ch. 10 Supplementary Act for the Advancement of Justice.

Be It Enacted, by the Right Honourable the Lord Proprietary, by
 and with the Advice and Consent of His Lordship's Governor, and the
 Upper and Lower Houses of Assembly, and the Authority of the
 same, That the the above mentioned Act of Assembly, entituled, An
 Act for the Advancement of Justice; made at a Session of Assembly,
 begun and held at the City of Annapolis, the Twenty Third Day of

September, Anno Domini Seventeen Hundred and Twenty Three : Session
 As also the above mentioned Act of Assembly, entituled a Supplemen-
 tary Act to the Act, entituled, An Act for the Advancement of Justice ;
 made at a Session of Assembly, begun and held at the City of An-
 napolis, the Twenty First Day of May, Anno Domini Seventeen Hun-
 dred and Thirty ; be and are hereby Revived, and shall be in full Force,
 from and after the End of this Session of Assembly, for, and during
 the Term of Three Years ; and to the End of the next Session of
 Assembly, that shall happen after the said Three Years.

An Act for Relief of Richard Smith, William Nimmo, George Chap. XVII
 Clagett, William Burston, James Mason, John Brooks, and Benja- P. 17
 min Hilliard, languishing Prisoners in Prince George's County
 Goal ; William Robertson, Richard Roper, John Norwood, and
 Richard Sympson, languishing Prisoners in Anne-Arundel County
 Goal ; Thomas Taylor, a languishing Prisoner in Baltemore County
 Goal ; Edward Hyatt, and Robert Lynch, languishing Prisoners
 in Kent County Goal ; Richard Barrow, Thomas Brown, John
 Clark, William Austin, and Robert Cardiff, languishing Prisoners
 in Talbot County Goal ; Thomas Vernall, a languishing Prisoner in
 St. Mary's County Goal ; and Daniel Hall, a languishing Prisoner
 in Cecil County Goal.

Whereas the said Richard Smith, William Nimmo, George Clagett,
 William Burston, James Mason, John Brooks and Benjamin Hilliard,
 William Robertson, Richard Roper, John Norwood, Richard Symp-
 son, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow,
 Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas
 Vernall, and Daniel Hall, by their humble Petition to this present
 General Assembly, have severally set forth, That they have con-
 tinued Prisoners for Debt, in the Custodies of the Sheriffs of the sev-
 eral Counties aforesaid, viz. the said Richard Smith, William Nimmo,
 George Clagett, William Burston, James Mason, John Brooks, and
 Benjamin Hilliard, under the Custody of the Sheriff of Prince
 George's County ; William Robertson, Richard Roper, John Nor-
 wood, and Richard Sympson, under the Custody of the Sheriff of
 Anne-Arundel County ; Thomas Taylor, under the Custody of the
 Sheriff of Baltemore County ; Edward Hyatt and Robert Lynch,
 under the Custody of the Sheriff of Kent County ; Richard Barrow,
 Thomas Brown, John Clark, William Austin, and Robert Cardiff,
 under the Custody of the Sheriff of Talbot County ; Thomas Vernall,
 under the Custody of the Sheriff of St. Mary's County ; and Daniel
 Hall, under the Custody of the Sheriff of Cecil County ; and still con-
 tinue in the like deplorable Circumstances, not being able to redeem
 their Bodies, with all the Estate or Interest they have in the World,
 which they would readily surrender up and part with to their several
 and respective Creditors, if they would accept of the same, and grant

Session the said Petitioners their Liberty ; which seems so unlikely for them to
Laws obtain, that (unless relieved by a particular Act to be passed in their Favour, which by their said Petitions they have humbly prayed) they must inevitably continue Prisoners for Life, and thereby their Families utterly ruined ; And, for that the Truth of the said Petitioners Allegations is made appear to this General Assembly, by sufficient Testimony, and that the said Petitioners, and their Families, are fit Objects of Charity, and that their lying in Goal can be no Benefit to their Creditors, it is humbly prayed, that the said Petitioners may be relieved according to their Prayer ; and that it may be Enacted :

And Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all, or any of the Creditor or Creditors of the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or the Creditor or Creditors of any or either of them, or the Attorney or Attorneys of such Creditor or Creditors aforesaid within this Province, shall, within Twenty Days after the End of this Session of Assembly, go to the Sheriffs of the aforesaid Counties of Prince George's, Anne-Arundel, Baltemore, Kent, Talbot, St. Mary's, and Cecil, and give good Security to pay the Imprisonment Fees of Ten Pounds of Tobacco per Day, that shall or may become due from the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, after the End of the said Twenty Days ; and also find the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any or either of them, sufficient Meat, Drink, and Cloathing, during their future Imprisonment, in case they the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, shall deliver up and surrender, or cause to be delivered up or surrendered to the Sher-

iffs of the Counties aforesaid, in the Presence of two Justices of the Peace in each of the said Counties, whom the said Sheriffs are hereby required to summon, on the Request the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any one of them, at the Dwelling Plantation or Plantations, or Place or Places, where, before the Imprisonment of the said several Persons, was the Place, or where the Places, of Residence of the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, at some convenient Time after the Receipt of this Act, not exceeding Ten Days, all their Real and Personal Estate, either in Possession, Reversion, or Remainder, or in Trust, or in, or unto which they have, or any or either of them, hath any Claim or Interest whatsoever. And do likewise, before the Day before mentioned, convey, assign, transfer, and make over unto the said Sheriffs of Prince-George's, Anne-Arundel, Baltemore, Kent, Talbot, St. Mary's, and Cecil, for the Use of the said Creditors, all such their Estate, Interest, or Claim, as aforesaid, after such Manner as by the said Sheriffs, and the major Part of the said Creditors, or of such of them, as shall think fit to direct therein, or their Council learned in the Law, shall reasonably devise, or require, at the Cost and Charges of such Persons as shall claim the Benefit thereof; so as the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, be not burthened with any Warranties thereby, other than from themselves, or those that claim by, from, or under them: And that the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, and either of them, at the Time of such their Surrender and Transferring their Estate as aforesaid, shall take his or their solemn Oath, or Oaths, (or Affirmation if a Quaker) before the said Two Justices of the respective Counties aforesaid, to be summoned as aforesaid, to the Effect following, viz.

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Session Laws I A. B. do affirm, or solemnly swear, That the Goods, Debts, and Effects, which I have delivered, assigned, and made over, to the Sheriff of . . . County, and in Trust, for the use of my Creditors, is the whole Estate both Real and Personal of my own, in Possession, or have any Title to in the World; and that I have not any Estate, Goods, or Effects, of any kind whatsoever left, either in Possession, Reversion, or Remainder, (the necessary wearing Apparel for my self, Wife and Children excepted :) And that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted, all or any Part of my Estate, thereby to defraud my Creditors, or to secure the same, to receive or expect any Profit or Advantage thereof. So help me God.

It shall and may be lawful for the Sheriffs of the respective Counties aforesaid, after the End of the said Twenty Days, and the said Sheriffs are hereby required, to discharge the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, out of their Custody; and to suffer them to go at Large.

And Be It Further Enacted, by the Authority aforesaid, That the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, nor any of them, shall hereafter be imprisoned, by Reason of any Judgment or Decree obtained for the Payment of any Debt, Damage, or Cost; or for, or by Reason of any Debt, Damage or Cost contracted, occurred, occasioned, owing, or growing due before the End of this Session of Assembly; but that upon every Arrest on any such Judgment or Decree, or for any such Debt, Damage, or Cost, it shall and may be lawful for the Judge or Justices of the Court, where any Process shall issue, upon shewing a Duplicate of the Discharge of the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any of them that shall be so arrested, to release and discharge out of Custody, the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas

Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any of them that shall be so arrested. Session
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Provided, That the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympton, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any of them that shall be so arrested, shall, and do, enter his or her Appearance, or procure some Attorney to appear to every such Action, and plead thereto.

Provided, That the Discharge of the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympton, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any of them, shall not acquit any other Person from such Debt, Damage, or Cost, or any Part thereof; but that all such Persons shall be answerable for the same, in such Manner as they were before the passing this Act.

Provided always, and be it Enacted by the Authority aforesaid, p. 19 That notwithstanding, the Discharge of the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympton, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, all and every Debt, or Debts, due or owing from them, and every of them, and all and every Judgment had and taken, or Decree obtained against them, or any of them, shall stand and be good and effectual in the Law, to all Intents and Purposes, against the Lands and Tenements, Hereditaments Goods, and Chattles of them, and every of them, which they, or any of them, or any other Person in Trust, or to the Use of them, or any of them, at the Time of the Discharge of the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympton, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any of them, or which they, or any of them, at any Time hereafter, shall or may be any way seized or possessed of, or intrusted in, to their own Use, or to the use of any of them, or in their proper Right, or in the proper Right of any of them, either in Law or Equity; except the Wearing Apparel and Bedding, or Working Tools, of them, or any of them, not exceeding the Value of Five Pounds Current Money. And it shall and may be lawful for

Session any of their Creditors, their Executors, Administrators, or Assigns,
 Laws to take out a new Execution, or new Executions, against the Lands, Tenements, Hereditaments, Goods, or Chattles, of the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall and Daniel Hall, or any of them, (except as before excepted) for the Satisfaction or his or their Debt, or Debts, in such Sort, Manner, and Form, as he, or they might have done, if the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any of them, had not been taken in Execution, or discharged by Virtue of this Act.

And Be It Enacted, by the Authority aforesaid, That if any Action of Escape be brought against any Sheriff, or any Suit or Action be brought against any Justice or Justices, for performing their Office in Pursuance of this Act, he or they, may plead the General Issue, and give this Act, and the special Matter in Evidence; if the Plaintiff be nonsuit, or discontinue his or her Action, or Verdict passed against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover double Cost.

Provided Also, That nothing in this Act shall extend, or be construed to extend, to bar any Creditor, or Creditors, of the before mentioned Prisoners, or any of them, from having or maintaining any Action of Escape against any Sheriff who hath permitted any Escape before the making of this Act.

Provided Nevertheless, That in Case the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Barrow, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or any of them, shall, at any Time after the making such their Oath or Oaths, or taking such Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach, or Non-compliance with the Tenour of such Oath or Affirmation as aforesaid, that then the said Richard Smith, William Nimmo, George Clagett, William Burston, James Mason, John Brooks, Benjamin Hilliard, William Robertson, Richard Roper, John Norwood, Richard Sympson, Thomas Taylor, Edward Hyatt, Robert Lynch, Richard Bar-

row, Thomas Brown, John Clark, William Austin, Robert Cardiff, Thomas Vernall, and Daniel Hall, or such of them as shall be convicted as aforesaid, shall, upon such conviction, be adjudged to stand Two Hours in the Pillory, and have his or their Left Ear cut off; and shall be wholly deprived of any Benefit intended him, them, or any of them, by this Law; and shall be from thenceforth liable to be prosecuted for any Debts or Demands whatsoever, in the same Manner as if this Act had never been made; any Thing therein contained to the contrary notwithstanding.

Provided Always, That the several Sheriffs, in whose Custody any of the Prisoners aforesaid are, or have been, shall be first satisfied their Imprisonment Fees, out of the respective Effects of the several Prisoners before named, (save such Effects as are before excepted,) for the Use of the said Prisoner or Prisoners, before any other Creditor or Creditors shall have any Share of the Prisoners Effects. And if the said Prisoners Effects shall not be sufficient to pay and satisfy to the Sheriff his Imprisonment Fees, that then each respective Prisoner shall, after his Releasement out of Prison, be liable to pay and satisfy unto the Sheriff, the Residue of his Imprisonment Fees; Provided, that the said Sheriff, shall not prosecute or imprison such Prisoner within Two Years after his releasement; any Thing in this Act to the contrary, notwithstanding.

Saving to his most Sacred Majesty, His Heirs and Successors, the Right Honourable the Lord Proprietary, His Heirs and Successors, and all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.

An Act to Remedy defective Probats of Accounts, and giving further Time for proving Accounts.

Chap. X
p. 20
[Amends
1729, ch. 20]

Whereas, by an Act, made at a Session of Assembly, begun and held at Annapolis, the Tenth Day of July, Seventeen Hundred and Twenty Nine, entituled, An Act providing what shall be good Evidence to prove Foreign and other Debts; and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar; and for Repealing an Act of Assembly therein mentioned; it was amongst other Things enacted and provided, That it should and might be lawful for any Person to prove any Account of Good[s] sold, Money lent, Work done, or other Matters or Articles properly chargeable in Account, which became due at any Time theretofore, or should become due before the Tenth Day of March then next, according to the Directions of an Act therein recited, so as all such Accounts should be proved as aforesaid, at or before the Thirtieth Day of August, which was then to be in the Year Seventeen Hundred and Thirty:

And Whereas several Persons, through Misconception of the said Act, have proved such Accounts, arising due as in the said Proviso

Session mentioned, before one single Justice of the Peace only; and several
 Laws other Persons, not well apprized with the said Act, neglected the proving their Accounts within the Time limited by the Proviso of the said mentioned Act; whereby such Accounts and Debts, tho' justly due, may intirely be lost, and the Creditor without legal Remedy:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Accounts which arose due before the said Tenth Day of March, in the said Proviso mentioned, and which were proved before the Thirtieth Day of August, Seventeen Hundred and Thirty aforesaid, before one single Justice of the Peace only, shall be as available in Law, and as good Evidence, within this Province, to prove the Debt or Debts therein contained, as if the same had been proved before one Provincial Justice, or Two Justices of the Peace, before the said Thirtieth Day of August Seventeen Hundred and Thirty, according to the Directions of the said Act.

And Be It Likewise Enacted, by the Authority aforesaid, That all such Accounts, as became due before the said Tenth Day of March, in the said Proviso mentioned, and that were neglected to be proved, before the Thirtieth Day of August, One Thousand Seven Hundred and Thirty, shall and may be lawful to be proved by any such Person, before one Justice of the Provincial Court, or one County Justice, or before the Maior, Recorder, or one of the Aldermen of the City of Annapolis; so as all such Accounts be proved before such Provincial or County Justice, Maior, Recorder, or one Alderman, at or before the Twenty Sixth Day of January next; any Law, Usage, or Custom, to the contrary, notwithstanding.

And Be It Further Enacted, by the Authority aforesaid, That it
 p. 21 shall and may be lawful, for every Plaintiff, in any Action or Suit, now depending, or hereafter to be commenced, to give any such Account so proved, or to be proved, in Evidence, to support such Action or Suit; and for every Defendant to give any Account so proved, or to be proved, or which may have been proved according to the Directions of the said Act, in Evidence, in his or her Defence, in any such Action or Suit: So as every Account that shall be so given in Evidence, either by Plaintiff or Defendant, in any Action now depending, shall be filed with the Clerks of the respective Courts, within this Province, the Second Day of the next Provincial Court, and the Second Day of every County Court, to be held next after the End of this Session of Assembly; and so as such Accounts so proved, or to be proved as aforesaid, and that shall be given in Evidence, by any Plaintiff or Defendant, in any Action or Suit hereafter to be commenced, shall be filed with the respective Clerks, according to the Directions of the said Act, passed in the Year of our

Lord, Seventeen Hundred and Twenty Nine; any Defect, Law, Session
Laws
Usage, or Custom to the contrary, notwithstanding.

An Act to prevent the clandestine Running or Importation of Trashy Chap. XIX
and other Tobacco, from the Colony of Virginia, into this
Province.

For preventing the clandestine Running or Importation of Trashy
or other Tobacco, out of Virginia, into this Province,

Be It Enacted, by the Right Honourable the Lord Proprietary, by
and with the Advice and Consent of his Lordship's Governor, and the
Upper and Lower Houses of Assembly, and the Authority of the
same, That all Masters, Mates, and Boatswains, of Ships and Vessels
whatsoever, that shall take or receive on Board Tobacco, within this
Province, shall be obliged, at the Time of their respective Entries, or
within Ten Days after, to make Oath, or Affirmation if a Quaker,
before the Naval Officer of the District where their Vessels shall be,
That they have not, nor will not, wittingly or willingly, take or
receive, or suffer to be brought on Board, any Hogshead, or Hogs-
heads, Chest, Case, Bundle, or Fardle of Tobacco, that shall be
brought from the Colony of Virginia, unless the said Hogshead, or
Hogsheads, Chest, Case, Bundle, or Fardle of Tobacco, have passed
some Inspectors Stamp, with a proper Certificate of the said To-
bacco's having been duly inspected, according to the Tenor of the
Virginia Tobacco Law. And if any Master, Mate, or Boatswain, or
any other of the Vessels Crew, shall receive on Board any Hogshead,
or Hogsheads, Chests, Cases, Bundles, or Fardles of Tobacco, the
said Master, Mate, or Boatswain, shall, for every Offence, being duly
and legally convicted, by Confession, Verdict, or otherwise, forfeit,
and pay, for every such Hogshead, Bundle, Case, Chest, or Fardle of
Tobacco, so taken on Board, contrary to this Act, the Sum of Twenty
Pounds current Money of Maryland; One Half to the Lord Pro-
prietary, to defray the Charge of the County where the Offence shall
be committed, and the Other Half to him or them who will sue for the
same; to be recovered in any Court of Record within this Province,
by Action of Debt, Bill, Complaint, or Information, wherein no Essoin,
Protection, or Wager of Law shall be allowed; any Law, Usage, or p. 22
Custom to the contrary, notwithstanding.

And Be It Further Enacted, That any Person or Persons, who
shall import any Trashy or other Tobacco, out of the Colony of Vir-
ginia, into this Province, and shall not have paid the Penny per
Pound, for such Tobacco, according to the Directions of the Statute
of the Twenty Fifth Year of the Reign of King Charles the Second,
shall forfeit and pay, over and above the Penalties contained in the
said Statute, the Sum of Twenty Shillings current Money of Mary-
land, for every Hundred Pounds of Tobacco, which shall be so
imported, and in Proportion for a greater or lesser Quantity, to the

Session Person who shall inform or seize such Tobacco; to be recovered by
Laws Action of Debt, in the County Court where the Offence shall be committed, in the Name of such Informer; wherein no Essoin, Protection, or Wager of Law, shall be allowed.

And Be It Further Enacted, That if any Dispute shall happen, concerning such Tobacco being of the Growth of Virginia, or concerning the Duty being paid there, the Onus Probandi shall lie on Defendant or Importer.

And Be It Likewise Enacted, That all Justices, Sheriffs, and other His Lordship's Officers, shall be aiding and assisting to every Person, seizing or discovering any such Tobacco; and that it shall and may be lawful, for any Justice of the Peace within this Province, upon Complaint or Information, of the Importation of any Tobacco from Virginia, contrary to the Tenor of this Act, to issue his Warrant to any Constable, or other Person to be by him especially appointed for the Execution thereof, to apprehend any Person or Persons, who shall be charged or accused, to be an Importer or Importers of Tobacco, contrary to this Act; which Constable or other Person so to be appointed, shall and may, by Virtue of such Warrant, and by Force of this Act, apprehend and arrest such Person or Persons, charged or accused of being an Importer or Importers, and carry him, her, or them, before the Justice issuing such Warrant; and if needful, to require the Aid and Assistance of such and so many Persons, as may be necessary for that Purpose; which Person or Persons so required, shall aid and assist such Constable or other Person accordingly, on Penalty of forfeiting Twenty Shillings current Money each.

And Be It Further Enacted, That every Justice before whom any such Person or Persons, shall be brought, as an Importer or Importers of Tobacco, contrary to this Act, if such Justice finds Cause to suspect, that he, she, or they, so to be brought, shall have transgressed this Act, then and in such Case, the Justices shall take sufficient Security, for the Appearance of such Person or Persons, at the next County Court, to be held for the County where the Offence shall be supposed to be committed; and in Default of such Security, shall commit such Person or Persons, to the Sheriff of the County, who shall by Virtue of such Commitment, and by Force of this Act, receive into, and keep in his Custody, such Person or Persons, until the next County Court, unless such Person or Persons shall give sufficient Security or Bail, for his, her, or their Appearance.

And Be It Further Enacted, That the Plaintiff, or Informer, may
p. 23 declare against such Person or Persons, as present in Court, or as in Custody of the Sheriff, without any other previous Process, besides such Warrant and Commitment as aforesaid; and that no Variance, between such Warrant or Commitment, and any Declaration, shall be pleadable in Abatement or in Bar, nor any Advantage taken for want of issuing any Writ or Process, at the Suit of the Plaintiff or

Informer; any Law, Usage, or Custom, to the contrary, in any wise, notwithstanding. Session
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And Be It Further Enacted, by the Authority aforesaid, That no Person whatsoever within this Province, shall, during the Continuance of this Act, receive or conceal any Tobacco imported into this Province, contrary to the true Intent and Meaning of this Act, or be aiding and assisting to any Person importing the same, under the Penalty of forfeiting and paying double the Quantity of Tobacco, so by such Person received or concealed, or wherein such Accessary shall be aiding or assisting in the Importation; to be recovered before a single Magistrate, as in the Case of small Debts, or in the County Court, where the Offence shall be committed, as the Case shall require; to be applied as aforesaid.

This Act to continue until the Tenth Day of November, that shall be in the Year of our Lord, One Thousand Seven Hundred and Thirty Five.

An Act for the further Assessment of Thirty Thousand Pounds of Tobacco, on the Inhabitants of St. Paul's Parish, in Baltimore County. Chap. XI

Whereas, it appears to this General Assembly, by the Representation of the Vestry-Men and Church-Wardens of St. Paul's Parish, in Baltimore County, That the Quantity of Forty Thousand Pounds of Tobacco, granted to be assessed on them, by Virtue of An Act for the Building of a Church in Baltimore County, and in a Town called Baltimore Town, in St. Paul's Parish, was not sufficient for that Purpose:

Be It Therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower House of Assembly, and the Authority of the same, That the Justices of Baltimore County Court, shall and may, and they are hereby authorized and directed, on the Application of the Vestry-Men and Church-Wardens of the said Parish, to assess and levy, by a further Assessment, (over and above the Forty Thousand Pounds of Tobacco, granted to be assessed and levied, by Virtue of the aforementioned Act) on the Inhabitants of the said Parish, any Quantity or Quantities of Tobacco, not exceeding in the whole, the Quantity of Thirty Thousand Pounds of Tobacco; and which said Quantity or Quantities of Tobacco, to be assessed and levied, shall be collected by the Sheriff of the said County, who is hereby authorized and directed to collect the same; p. 24 and who shall have for such Collection, at and after the Rate of Five Pounds of Tobacco per Cent; and the said Tobacco when so collected, shall be paid to the Vestry-Men and Church-Wardens of the said Parish, who are hereby authorized and required to apply the same, for the Building of the Church aforesaid, in the same

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Laws Manner as the Quantity of Forty Thousand Pounds of Tobacco already granted to be assessed and levied as aforesaid, was directed to be applied; any Law, Usage, or Custom, to the contrary thereof, in any wise, notwithstanding.

Chap. XV An Act to oblige the several Officers within this Province, to write their Fees in Words at full Length; and for Clerks to deliver Bills of Cost, if required.

Whereas, several of the Inhabitants of this Province, have complained, that several of the Officers within this Province, write their Accounts of Fees, in such abbreviated Words, that the People cannot by any Means satisfy themselves, for what the said Fees became due: For Prevention whereof, for the Future,

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, all the several and respective Officers within this Province, shall be, and are, by Virtue of this Act, obliged to draw out the Particulars of their Fees, in a fair legible Hand, and in Words at full Length; and on Failure thereof, such Officer to lose such Fees so expressed in Words cut off or abbreviated.

And Be It Further Enacted, by the Authority, Advice and Consent aforesaid, That the several Clerks of the several Courts of Record, Register of the Court of Chancery, and Register of the Commissary's Court, within this Province, shall be, and they are hereby obliged to deliver to the Defendants, if required, full Copies, in a fair legible Hand, of all the Costs of Suit recovered against such Defendant; and that if any Clerk or Register, shall refuse so to do, he shall forfeit and pay, the Sum of Two Thousand Pounds of Tobacco; to be recovered in the County where such Clerk or Register resides; and that One Half be applied to the Use of the Publick School in such County, and the other Half to the Informer, that shall sue for the same; to be recovered by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, to be allowed.

Chap. XX An Act to continue and aid the Process and Proceedings in the
P. 25 Provincial Court; and to adjourn the said Court, which is to be held in September next, and on the Thursday before the Third Tuesday in October next, unto the Third Tuesday in October next; and to adjourn the Court of Appeals, to the First Day of the Provincial Court, to be held the Third Tuesday of October next.

Whereas, by the Expiration of the Act, entituled, An Act for the Trial of all Matters of Fact, in the several Counties where they have arisen or shall arise; the Continuance of Causes in the Provincial

Court, and Adjournment of that Court; and the Supplementary Act thereto; the several Causes now depending in the Provincial Court, as well as the several Writs and Process, returnable to the Third Tuesday in October next, will be discontinued, or discontinued: For Remedy whereof, Session Laws

Be It Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the several Causes, Actions, Pleas, and Proceedings now depending in the Provincial Court, shall be continued, and are hereby declared and enacted to be continued, until the said Third Tuesday in October next; and that no Advantage, Benefit, or Exception, shall be taken or allowed, in any of the said Causes, Actions, Pleas, and Proceedings, for any Discontinuance or Miscontinuance whatsoever, which might have happened, if this Act had never been made; and that all Writs and Process already issued and returnable, or which shall be issued and returnable, to the said Third Tuesday in October next, shall be accordingly returned, and as good and available in Law, as if the said Acts had not expired.

And Be It Likewise Enacted, That the Court of Appeals, shall be, and by Virtue of this Act is, Adjourned to the First Day of the Provincial Court, to be held the Third Tuesday in October next.

And Be It Further Enacted, That the Justices of the said Provincial Court, shall and may continue such of the said Actions, Causes, Pleas, and Proceedings, now depending in the said Provincial Court, as to them shall seem proper, to such and so many Provincial Courts as they shall think fit, not exceeding Three Provincial Courts after the Making this Act; any of which said Three Provincial Courts shall not be reckoned any of the Four Courts for Limitation of Actions; any Act to the contrary, notwithstanding.

And Whereas, by the Expiration of the said Act, many people who depended upon the Trial of Facts at the Assizes, may be greatly injured if they should be obliged to try their Causes at the next Provincial Court, there being scarcely Time for the Summoning of Evidences, or the several Sheriffs to return Jurors, as usual, before the making the said Act.

Be It Therefore Enacted, That no Civil Cause, now depending in the Provincial Court, where the Issue in Fact is made up, and no Cause wherein the Issue in Fact shall be made up, at the said next Court, shall be tried at the Bar of the next Provincial Court; and that the several and respective Sheriffs within this Province, shall be and they are hereby, exempted and discharged, from the Summoning any Jurors to the said next Provincial Court. p. 26

Provided, This Act shall not be construed to extend, to debar the said Provincial Justices, from awarding a Venire facias Juratores,

Session as usual, to enable a Trial at Bar, for the Trying any Cause already
 Laws awarded to be tried at the Bar, or any other Trial at Bar, which the
 said Justices shall think proper to order, at the said next Court, if the
 Parties concerned shall agree thereto.

Chap. XXII An Act empowering a Committee to lay, assess, and apportion the
 Publick Levy, for this present Year, One Thousand Seven Hun-
 dered and Thirty One.

Whereas, this present General Assembly have, for the defraying
 the Publick Charge of this Province, to the Thirty First Day of
 August last, raised a certain Sum of Tobacco, and Money, amounting
 to Two Hundred Ninety Eight Thousand Four Hundred Twenty
 Five Pounds of Tobacco, and Eighty Six Pounds Five Shillings,
 current Money, as by the Journal of the Committee of Accounts
 appears: But by Reason more Publick Charges may arise and grow
 due, before the usual and accustomed Time of Paiment which is the
 Tenth Day of November, yearly; at which Time, again to call and
 convene the whole Assembly for that Occasion only, considering the
 great Number of them, and the Remoteness of their Habitation
 from the Place appointed, would be very chargeable and troublesome
 to the whole Province in general:

Be It Enacted, by the Right Honourable the Lord Proprietary, by
 and with the Advice and Consent of his Lordship's Governor, and the
 Upper and Lower Houses of Assembly, and the Authority of the
 same, That the Honourable Charles Calvert, Esq; Col. William
 Holland, Philemon Lloyd, Esq; Benjamin Tasker, Esq; and Philip
 Lee, Esq; Members of His Lordship's Honourable Upper House
 of Assembly; and the Honourable Col. John Mackall, Col. Thomas
 Trueman Greenfield, James Harris, Esq; John Beale, Esq; Col.
 John Fendal, Col. Levin Gale, James Holliday, Esq; Col. William
 Ennalls, Mr. William Hamilton, Mr. Ralph Crabb, Mr. William
 Hemsley, and Mr. Joshua George, now of the Honourable Lower
 House of Assembly, or the major Part of them, be and appear at
 the City of Annapolis, the Fourth Tuesday of October next, then
 and there to lay and assess the Publick Levy, already raised;
 and also to allow, levy, and assess what further Charges may
 accrue, which to them shall justly appear to be due from the publick
 not exceeding Two Hundred Thousand Pounds of Tobacco and Two
 Hundred Pounds current Money of this Province, more than what is
 already raised, and likewise to apportion, order, and pay out of the
 Publick Treasury of this Province, the Sum of Eighty Six Pounds
 Five Shillings current Money of this Province, to the Several Per-
 sons to whom the same shall be due, as by the Journal of the Com-
 mittee of Accounts appears; and a fair Journal of their Proceedings
 to be delivered to the Clerk of the Lower House of Assembly, for
 Satisfaction of all Persons therewith concerned, by the Thirtieth Day

of November next And if it shall happen, that His Excellency shall please to Convene an Assembly, before the Fourth Tuesday of October next aforesaid, that then the present Act, and everything therein contained, shall be void and of no Effect.

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An Act to Supply Some Defects in a Deed of Bargain and Sale from Edward Mitchell of Kent County Gentleman To John Ward of Cecill County Gentleman and from the said Ward to William Ennalls of Dorchester County Gentleman of a peice of Land Called the Ponds Lying in Kent County aforesaid.

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Whereas Edward Mitchell of Kent County Gentleman by Deed of Bargain & Sale by him Sealed and Delivered bearing date the fourteenth day of November Anno Domini One Thousand Seven Hundred and Thirty for a Valuable Consideration Sold and Conveyed to the said John Ward a peice of Land Called the Ponds Lying in Kent County which said Deed was by Virtue of a Letter of Attorney bearing Equal Date therewith & proved by the Oath of One Credible witness to have been Sealed and Delivered by the said Edward Mitchell Impowering John Haukins Gentleman to Acknowledge the Same (he the said Mitchell then being in Maryland) the Twenty third day of June Anno Domini Seventeen Hundred and Thirty One Acknowledged before George Wilson and Henry Evans Gentlemen two of his Lordships Justices of the Peace of Kent County by the said John Haukins & not by the said Edward Mitchell in Person. And Whereas the said Deed has been Omitted to be Recorded within the time Limited by Law which Omission of the said Edward Mitchells Acknowledging the said Deed in person and of its being Recorded within Six months after the Execution thereof Renders the Title of the said John Ward, And also the Title of William Ennalls to whom the said John Ward hath by Deed Duly Executed Conveyed the Same in the Said Land Disputable for Prevention whereof

Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the upper and Lower Houses of Assembly and the Authority of the Same that the said Deed of Bargain and Sale shall be as Good Effectual and Available in Law to Bar the heir or heirs of the said Edward Mitchell from any Claim or Demand of in or to the aforesaid Land and to Invest the heirs or Assignes or those who have the Estate of the heirs or assignes of the said Edw^d Mitchell in the said Land as if the said Deed had been Acknowledged by the said Edward Mitchell in his proper person and Recorded within Six months after the Execution thereof According to the Act of Assembly for Quietting the Possessions Enrolling Conveyances and Securing the Estates of Purchasers Also that the Deed from the said John Ward to the Aforesaid Will^m Ennalls for the Land Aforesaid shall be as Effectual

Session to pass the Estate in the said Land to the Aforesaid William Ennalls
 Laws his heirs & Assignes as if the Deed from the said Mitchell to the said Ward had been duly Executed and Recorded any Defect or Omission in the Same Deed or any Law usage or Custome to the Contrary notwithstanding Provided the said Deed from Edward Mitchell to John Ward shall be Recorded in the Provinciall Records or the Records in Kent County within Six months from the End of this Session of Assembly Saving to his Most Sacred Majesty his heirs and Successors the Right Honourable the Lord Proprietary his heirs and Successors and all Bodies Politick and Corporate and all Others not mentioned in this Act their Severall & Respective Rights.

Chap. XIV An Act to Supply Some Defects in a Deed of Bargain and Sale from
 p. 6 William Green Senior of Dorchester County to Colonel John Ryder of the Same County of three Tracts of Land Viz. the One Called Marsh Island, One Called Greens Priviledge. and the other called Greens Adventure all Lying and being in the County Aforesaid.

Whereas the said William Green Senior of Dorchester County by his Deed of Bargain and Sale for the Consideration therein mentioned Sold and Conveyed to the said John Ryder three Tracts or Parcells of Lands Viz. one Tract of Land Called Marsh Island, One Other Called Greens Priviledge, & the Other Called Greens Adventure all which Tracts are Lying & being in Dorchester County on the East side of Chesapeak Bay, and on the North Side of Nanticoke River and are now in Possession of the said Ryder which said Deed was by Virtue of a Letter of Attorney bearing Date the Twenty first Day of December Anno Domini Seventeen hundred and Twenty and Proved by the Oaths of two Credible witnesses to have been Sealed and Delivered by the said William Green Senior Impowering Thomas Hicks Senior of Dorchester County to acknowledge the same which said Thomas Hicks by Virtue of the said Letter of attorney Did before Henry Ennalls and Peter Taylor Gentlemen, Two of his Lordships Justices of the peace for the said Dorchester County on the Twenty second Day of December in the year aforesaid Acknowledge the Same Deed to the said John Ryder. And whereas the said Deed hath been Recorded amongst the Records of Dorchester County but through the negligence of the Clerk of the said County Court hath been Omitted to be marked on the Back thereof the time of the said Deed being recorded as the Law in such Casses requires which Omission of the said Clerks and the said Deed not
 p. 7 being Acknowledged by the Said William Green in his proper Person may Render the Title of the said John Rider to the said Three Tracts of Land Disputable for Prevention whereof it is prayed that it may be Enacted And be it Enacted By the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships

Governour and the Upper and Lower Houses of Assembly and the authority of the Same that the said Deed of Bargain & Sale shall be as good Effectual & available in Law to Barr the heir or heirs of the said William Green Senior from any Claim Estate or Demand of in or to the Aforesaid Three Tracts of Land and to Invest the said John Ryder his heirs and Assignes with the same Estate in the said Three Tracts of Land as if the Same Deed had been duly Acknowledged by the said William Green Senior in his proper person and Enrolled in the Records of Dorchester County Court within Six months after the Date thereof according to the Directions of the Act of Assembly for Quieting Possessions Enrolling Conveyances and Securing the Estates of Purchasers any Defect or Omission in the Acknowledgement or Inrollment of the said Deed or any Law Usage or Custom to the Contrary in Any Wise notwithstanding, Saving to his Most Gracious Majesty his Heirs and Successors, the Right Honourable the Lord Proprietary, his heirs and Successors, and all Bodies Politick and Corporate and all Others not mentioned in this Act their Severall & Respective Rights.

An Act to Supply Some Defects in a Deed of Bargain and Sale from
 Edw^d Warner Late of London in the Kingdom of Great Brittain

Session Laws
 Chap. XVI
 p. 8

Deceased to William Husbands Late of Cecill County Deceased of Two Tracts of Land Viz. The One Called Stillington the Other Called Chance both Lying and being in Cecill County.

Whereas the said Edward Warner Late of London af^d Deceased by his Deed of Bargain & Sale bearing Date the Seventeenth day of Octo. Anno Domini Seventeen hundred & Sixteen Conveyed unto the aforesaid William Husbands Deceased Two Tracts of Land Lying and being in Cecill County aforesaid the one Called Stillington Containing One hundred and Sixty Acres of Land the Other Called Chance Containing Sixty five acres of Land for and in Consideration of the Sume of one hundred pounds Sterl which said Sume appears to have been paid by the aforesaid Will^m Husbands Deceased to the said Edward Warner & that the said Edward Warner Gave a Power of Attorney unto a Certain James Harris Esq^r and a Certain James Heath Gentleman, both of this Province to make Acknowledgment of the Same Deed as the Law required, And whereas also the Aforesaid William Husbands before any Acknowledgment was made dyed neither does it appear on Record that the Same Deed or Power of Attorney was Proved as the Law required but the Aforesaid William Husbands some Little Time before his Death knowing his Equitable right in the Aforesaid Lands Devised them by his Last Will and Testament duly Proved and Executed in Manner following Viz. I Give and bequeath to my Sons William & Thomas Husbands all the Two Tracts of Land I now Live on Called Stillington and Chance Containing One Hundred and Sixty Acres, the Other Sixty

p. 9

Session five acres by Conveyance from Master Edward Warner of London
 Laws Since which time James Husbands of Cecill County Eldest son to the
 Said William Husbands deceased by Deed Duly Executed and
 Recorded hath Purchased the Right of his Brother Thomas Hus-
 bands in the said Lands but the said James Husbands apprehending
 his Right in the Same to be Precarious by Reason of the Defects in
 the Deed from the said Warner to his Deceased Father William Hus-
 bands Also by reason of the Defective Acknowledgment aforesaid
 and for want of its appearing that the Power of Attorney to the
 before mencond James Harris and James Heath and the Deed before
 mencond were not duly Proved as the Laws of this Province Directed
 Altho the Said Deed from the said Edward Warner to the Aforesaid
 William Husbands is Recorded amongst the Records of Cecill
 County Court with an Acknowledgment by the aforesaid James
 Harris Esq^r By Reason of which said Defects the Title of the said
 James Husbands in the said Lands may be precarious for Prevention
 whereof it is Prayed that it may be Enacted. And be it Enacted by
 the Right Honourable the Lord Prop^{ty} by and with the advice and
 Consent of his Lordships Governours and the Upper and Lower
 Houses of Assembly and the Authority of the Same that the said
 Deed from Edward Warner to the Said William Husbands De-
 ceased shall be as good Effectuall and Available in Law to Barr the
 heir or heirs of the said Edward Warner Deceased from any Claim
 Estate or Demand of in or to the aforesaid Two Tracts of Land and
 to Invest the aforesaid James Husbands and Will^m Husbands sons
 of the said William Husbands Deceased with the Same Estate in the
 said Two Tracts of Land as if the same Deed had been Executed
 according to the Directions of the Act of Assembly for Quieting
 Possessions Enrolling Conveyances and Secureing the Estates of
 Purchasers within Six months after the Date thereof any Defect or
 Omission in the Execution thereof or any Law usage or Custom to
 the Contrary notwithstanding. Saving To his most Sacred Majesty
 his heirs and Successors, The Right Honourable the Lord Propri-
 etary his heirs and Successors and all Bodies Politick and Corporate
 and all Others not mentioned in this Act their Severall and Respec-
 tive Rights.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis July 11–August 8, 1732.
Being the First Session of the General Assembly Elected in 1732.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Governor.

PROCEEDINGS
THE UPPER HOUSE OF ASSEMBLY

Maryland ss.

At a Session of Assembly Begun and held at the City of Annapolis on Tuesday the Eleventh Day of July in the Eighteenth Year of the Dominion of His Lordship the Lord Proprietary Annoq Domini 1732

Present

His Excellency Samuel Ogle Governor

The Hon ^{ble}	{	Charles Calvert Esq ^r	John Rousby Esq ^r
		John Hall Esq ^r	Benj ^a Tasker Esq ^r
		Col. Richard Tilghman	Philip Lee Esq ^r
		Coll ^o Matt. Tilgh. Ward	George Plater Esq ^r

Coll^o Mackall and M^r Beale from the Lower House Attend and Acquaint His Excellency the Governor that there are a Sufficient Number of Members met to make a House and wait His Excellencys Commands.

Coll^o Tilghman and Coll^o Ward are sent down to the Lower House to Administer the several Oaths to the Government Appointed to be taken by Act of Assembly to the Severall Members of that House; And ordered that the Clerk of this House attend them; who Administred the said Oaths to the severall Members then present; and they all severally Subscribed the oath of Abjuration and Test.

U. H. J.
No. 33
p. 164
July 11, 1732
In Sept.,
1731, the As-
sembly was
prorogued
to Nov. and
in Oct.
further
prorogued
to Jan. (25
Md. Arch.
542). On
Oct. 4 the
Assembly
was dis-
solved and a
new one
summoned
for Feb. (op.
cit. 550).

U. H. J. John Hall and John Rousby Esq^{rs} are sent to Acquaint the Lower House that His Excellency requires their Attendance in the Upper House Immediately.

p. 165 The Session was postponed to July. Council met July 14 and Aug. 8. An original MS. of proceedings is found in Calvert Papers, 730 The whole House attend, and His Excellency requires them to return to their own House, and make Choice of a Speaker.

Mr Beal and Mr Crabb from the Lower House Acquaint His Excellency their House hath made Choice of a Speaker.

Benjamin Tasker and Philip Lee Esq^{rs} are sent to the Lower House to inform them His Excellency requires their Attendance in the Upper House to present their Speaker for His Approbation

The whole House attend and present Col John Mackall for their Speaker, with which Choice His Ex^{cy} Declares himselfe well pleased

Whereupon His Excellency delivers himselfe to the Gentlemen of both Houses as follows

Gentlemen of the Upper and Lower Houses of Assembly.

The Right Honourable the Lord Proprietary has directed me to Communicate to you the following Speech

Gentlemen of the Upper & Lower Houses of Assembly I am very Sorry I have been forced to postpone the pleasure of seeing my faithfull Tenants; and it gives me equall concern that our Brother your late Governor is Obliged to come home for the Recovery of his Health but do not in the Least Doubt, your present Governor will make the welfare of the Province his peculiar Care, And the good People of Maryland, may be Assured, it shall be mine

Baltimore

His Excellency is pleased to make the following Speech

Gentlemen of the Upper & Lower Houses of Assembly

p. 166 I am Heartily concerned for the calamitous Condition the Country is in, Occasioned by the Decay of its Trade and the Lowness of its Staple; and I cannot But think it an Agravation of our Misfortunes that severall well meaning honest Men should seem so far to despair of any Relief from the Legislature, as to have been seduced to Countenance & encourage the cutters up of Tobacco Plants in their late Tumultuous & violent proceedings, which had they not been happily Suppressed must have been attended with the most fatal Consequences

It is from the Legislature that the People ought to Expect a Relief from their Grievances, and a Reformation of what is amiss in publick Affairs, and not from Violence and Popular Tumults which can only Add to our Misfortunes Our Staple, low as it is, may Yet be raised in its Value by proper Laws with due care taken for their Execution upon this your happiness depends, therefore I promise

my selfe you will all unite as one Man in the faithfull Discharge of U. H. J. so Necessary a Duty as is the relieving your Country from its present Distress and Securing its future Prosperity and Peace, wherein you may depend on my Concurrence, and all the Assistance I can give you.

His Lordship in Regard to the Difficulty his Tenants may be under to comply with his Rents According to the Tenor of his Grants is willing to Renew the Revenue Bill now near Expiring

As to the Act Concerning the Paper Currency his Lordship thinks it is of the greatest Importance to the Country, therefore is resolved to Consider it in the best & most deliberate manner before he comes to a final Resolution concerning it; and as His Lordship has the prosperity of the Country Seriously at Heart, there is no doubt but a due Regard to its welfare will determine his Lordship in his Dissent or Assent to that or any other Law His Tenants shall desire.

Gentlemen of the Lower House of Assembly. I have received some Letters of Consequence from the President of the Councill of New York, which I shall order to be laid before you and must recommend It to you to consider the most proper Methods to secure your p. 167 Selves and your Posterity against any Designs that may be formed to your Prejudice.

Gentlemen of Both Houses. As this is the first oppertunity I have had of meeting you in Assembly so I must embrace it to Assure you that I will always do every thing in my power to serve the Country And as I am Commanded by Your Lord Proprietary, will very Truely and faithfully represent every thing to him that may be for the true Interest of Maryland, which his Lordship Considers as inseperable as his own.

M^r Beal and M^r Warfield from the Lower House Acquaint His Excellency that their House hath made Choice of M^r Michael Macnemara for their Clerk and hopes for his Excellencys Approbation who is pleased to approve of him the said Macnemara; and thereupon he takes the Oaths to the Government Appointed to be taken by Act of Assembly, and Subscribed the abjuration and Test and also takes the usual Oath of Office and then withdrew.

Adjourned till to Morrow Morning Eight a Clock.

Wednesday Morning 12th July 1732.

July 12

This House met again According to Adjournment

Present as Yesterday with the Addition of Phil. Lloyd Esq^r Col John Rider & Michael Howard Esq^r

M^r Hooper and M^r Hemsley from the Lower House attend with M^r Peter Taylor & M^r John Brannock Members Elected for Dorchester County, and M^r W^m Elliott Member Elected for Queen Anns County in order to see them Qualified, who take the oaths to the

U. H. J Government Appointed to be taken by Act of Assembly and Severally Subscribe the Abjuration and Test and then withdrew.

A Message from the Lower House by M^r Hooper & M^r Goldsborough.

By the Lower House of Assembly 12th July 1732

May it please your Honours

p. 168 This House in order to dispatch the Publick Business during this Session hath Resolved that the Hours of setting be from Eight in the morning untill Twelve, and from two in the afternoon untill Six, and Desireth to know if the times appointed be Agreeable to your Honours.

Signed p Order M Macnemara Cl. Lo. Ho.

The following Message being prepared is Sent to the Lower House by George Plater Esq^r

By the Upper House of Assmby 12th July 1732

Gentlemen.

The times of setting for the Dispatch of the publick business as proposed in your Message by M^r Hooper and M^r Goldsborough are Agreeable to this House.

Signed p Order John Ross Cl. Up. Ho.

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

The Hon^oble Charles Calvert Esq^r attended by the rest of the Members of this House present to His Excellency the Governor in the Conference Chamber the Address of this House in the following words.

To His Excellency Samuel Ogle Esq^r Governor and Commander in Chief in and over the Province of Maryland The Humble
Address of the Upper House of Assembly

May it please Your Excellency

We think ourselves happy in having this opportunity of Attending your Excellency in a Legislative Capacity, and desire you will be pleased to Accept our most Sincere thanks for your favours in Communicating to us his Lordships kind Speech, as well as for that of your Excellencys delivered at the opening this Session of Assembly.

It is with the greatest Concern we observe & Sensibly feel the sad Effects of the Decay of our Trade Occasioned by the Lowness

of our Staple, and it is a great addition to our Misfortunes that many U. H. J. inconsiderate Men have been induced to take such illegall & Violent Measures in hopes to relieve themselves from their Calamitous Circumstances, by Cutting up the Tobacco plants and Destroying the Labours of the People which had it not been Timely prevented by your Excellencys extraordinary Care & Vigilance must necessarily have been attended with most fatal Consequences to the Country. p. 169

There is nothing more certain than it is the peculiar Province of the Legislative Power to relieve the People in any Government from their Grievances, and Regulate Disorders in publick Affairs, therefore whoever attempts it by Tumultuous & Violent proceedings will find themselves sadly mistaken, and if not prevented, prove Instruments of Ruin to themselves and their Country; being Convinced of this we think it our Duty in a Legislative way to Endeavour to relieve ourselves from these our present deplorable Circumstances, and Notwithstanding the Disappointments We have heretofore met with in our Endeavours to raise the Value of our Staple, We are not without hopes that some Expedient may yet be found to Effect it.

We on our parts are and shall be always ready unanimously, carefully, and Diligently to endeavour for the obtaining that benefitt, and shall think our selves very happy if we (with your Excellencys favourable Concurrence & Assistance which you have been pleased to promise, and we gratefully Accept) can contribute any thing in that or any other Expedient proposed, for his Lordships Service and procuring the peace & Prosperity of the good People of this Province.

Your Excellency's Intimation of His Lordships kind Inclination in favour of his Tenants here, to Renew the Revenue Bill, is very obliging to us, and as we have Reason to believe that Law has been Conducive to the ease and Satisfaction of his Lordship and his Tenants, We shall on our parts Maturely consider it and be ready to do therein what shall be thought necessary for the Common Welfare.

We are in hopes his Lordships farther Consideration of the Act of Assembly relating to a paper Currency will Terminate in such a manner as may be most advantageous to the Publick Interest of this Province.

Your Excellencys most obliging Assurance of your good Intentions to promote the Common welfare of this Province together with the beginnings of your prudent & Just Administration of the Government leaves us no room to Doubt the happy Consequences, and requires our most Sincere thanks and Suitable returns, which Address was Subscribed by all the Members present.

Adjourned till to Morrow Morning Eight of the Clock.

p. 170

U. H. J.
July 13

Thursday Morning 13th July 1732

This House met again According to adjournment
Present as Yesterday

Read the Petition of severall of the Inhabitants of the Upper part of Talbott County and the Lower part of Queen Anns County praying leave to bring in a bill to Erect a New Parish & that an allowance for the Minister may be taken from the severall Incumbents of St Michael, St. Peter & St. Paul's parishes and ordered to be thus Endorsed.

By the Upper House of Assembly 13th July 1732.

Upon the Petitioners procuring the Consent of severall Incumbents of the parishes within mentioned the s^d Petition will be taken into Consideration.

Signed ꝑ order John Ross Cl. Up. Ho.

Read the Petition of the Rector Vestrymen & Churchwardens of Christ Church parish in Calvert County praying leave to bring in a bill to Levy one hundred Thousand pounds of Tobacco on the persons taxable in the said ꝑish to rebuild their Church lately burnt, and purchase two Acres of Land and referred to the Consideration of the Lower House of Assembly; and sent by Michael Howard Esq^r

His Excellency is pleased to deliver his Answ^r to the Address of this House in the following words.

Gentlemen of the Upper House of Assembly

I return you my hearty thanks for your kind Address, and shall always Study to preserve your good opinion of me, by my Constant Endeavours to promote the Generall welfare of the Province in which I shall greatly rely upon Your kind advice and Assistance

Samuel Ogle

Read the Petition of severall of the Inhabitants of St Stephens ꝑish in Cecill County praying leave to bring in a bill to build a new ꝑish Church at the place where the old one now Stands; Recommended to the Consideration of the Lower House of Assembly sent by Coll^o Rider.

p. 171 Read the Petition of the Minister Vestrymen and Inhabitants of St Stephens parish in Cecil County praying that a bill may be brought in to build a New Parish Church at a place in the s^d County called Cecil Town, and rejected.

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem.

This House met again According to Adjournment

Present as in the Morning

U. H. J.

Read the Petition of the Rector Vestrymen Churchwardens and Inhabitants of King and Queen parish in S^t Marys and Charles County's praying leave to bring in a bill to rebuild the Church in Bushwood parish, and to be called Christ Church and to repair Newport Church; Referred to the Consideration of the Lower house of Assembly; sent by Philip Lee Esq^r

Read the Petition of the Vestrymen & Church wardens of William and Mary parish in Charles County praying leave to bring in a bill to Regulate the parishes in S^t Marys & Charles Countys in the same manner as they were done by the Act of Assembly made in the Year 1728 if it may be so done, if not, that it may be done after the death or Removal of the present Incumbents; Recommended to the Consideration of the Lower House of Assembly, provided the Act prayed for by the said Petition does not take place till after the Death or Removal of the present Incumbents; Sent by John Rousby Esq^r

Adjourned till to Morrow Morning Eight of the Clock.

Friday Morning 14th July 1732.

July 14

This House met Again According to Adjournment

Present as Yesterday

A Bill from the Lower House by M^r Beal & 24 more Entituled an Act Ascertainig the form of the Oath of Judge or Justice thus Endorsed.

By the Lower House of Assembly 13th July 1732

Read the first time and ordered to lye on the Table

Signed p order M Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 14th July 1732

Read the second time and will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Adjourned till two of the Clock in the afternoon

p. 172

Eodem Die post Meridiem.

This House met again According to Adjournment

Present as in the Morning

Read the Petition of Johanna Hall late Johanna Philips Mother and Natural Guardian of James Philips and Susannah Philipps Infants on behalfe of her selfe & James and Susannah praying leave

U. H. J. to bring in a bill to repeale an Act of Assembly made Anno 1724 Entituled an Act for the Relief of the Devises of James Philipps the Elder & Anthony Philipps late of Baltimore County Deced; and on a full hearing by Council on both sides it is recommended to the Consideration of the Lower House of Assembly, Sent by Benjamin Tasker Esq^r

Read the Petition of severall of the Inhabitants of Dorchester County praying leave to bring in a bill to Erect a Town on some Land now in the possession of Col John Rider & M^r Adam Muir; Referred to the Consideration of the next Session of Assembly.

Adjourned till to Morrow Morning Eight of the Clock

July 15

Saturday Morning 15th July 1732

This House met again According to Adjournment

Present as Yesterday

Read the Petition of Benjamin Hillyard languishing Prisoner in Prince Georges County Goal, and it being the Opinion of this House that the Petitioners Case is not within the Resolves of this House made last Session of Assembly for Relief of Insolvent Debtors, It is therefore referred to the Consideration of the Lower House of Assembly; sent by Col Ward.

Read the Petition of Roger Moody John Sitton Ninian Mariarte & Henry Odel Languishing Prisoners in Prince Georges County Goal; John Bradshaw in Talbott County Goal; Joseph Sedgwick and Daniel Sullyvan in Calvert County Goal & Thomas Stone in Baltimore County Goal & ordered to be Severally thus Endorsed.

p. 173

By the Upper House of Assembly 15th July 1732.

Read and Rejected the Pet^r not having given Notice to his Creditors according to the Resolution of this House made Last Session of Assembly;

Signed p Order John Ross Cl. Up Ho.

Read the first time the Act Ascertainig the form of the Oath of Judge or Justice and Ordered to lye on the Table

Adjourned till two of the Clock in the afternoon.

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning.

A Bill from the Lower House by M^r Blackiston and M^r Hall. Entituled an Act to prohibitt raising Swine and Geese in the Town of Chester in Kent County thus Endorsed.

By the Lower House of Assembly July 14th 1732

U. H. J.

Read the first time & ordered to Lye on the Table

Signed p Order M Macnemara Cl. Lo. Ho.

By the Lower House of Assembly July 15th 1732

Read the Second time and will pass

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table

A Bill from the Lower House by M^r Jordan & M^r Hopewell Entitled an Act for the Relief of Ann Osborn of S^t Marys County thus Endorsed

By the Lower House of Assembly July 14th 1732

Read the first time and Ordered to lye on the Table

Signed p Order M. Macnemara Cl. Lo. Ho.

By the Lower House of Assembly July 15th 1732

Read the second time and will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

Adjourned till Monday Morning Eight of the Clock

Monday Morning 17th July 1732

July 17

This House met Again According to Adjournment.

Present as on Saturday except Col. Tilghman

p. 174

His Excellency is pleased to deliver to this House a paper in the following words

Gentlemen.

I am firmly perswaded that His Lordship and the Country aim at the same thing in Relation to the Oath of Judge or Justice the end of both being the Safety of the People and the Security of their Liberty and Property, tho' they may seem to Differ a little in the meanes, which Difference Appears to me not so Considerable but that it may be easily recommended to the Mutual Satisfaction of His Lordship & His Tenants; I now lay before you the form of an Oath proposed by his Lordship and if that form be not Agreeable to both Houses, I desire their Joynt Assistance in representing such Necessary alterations to his Lordship as may take in the sence of all parties which I hope will be no hard matter to Effect; And I faithfully

U. H. J. promise to give you all the Assistance in my power to put an end to the Dispute to general Satisfaction: And this I conceive to be a better way, and more advantageous to the Country than for me to Assent to any Act contrary to my Instructions which will give His Lordship such Just Reason to dissent to it; And I propose as an Expedient, untill the matter can be happily Settled according to His Lordships and your own desires that the severall Majestrates take any of the Oaths which have usually been taken before the Dispute began about the Judges Oath, that may lay them under the strictest Obligation to Administer Justice equally and uprightly to the People According to the usage and Constitution of the Province

Samuel Ogle

Form of an Oath of Judge or Justice

You shall swear that as a Justice of the Provincial Court of Maryland in all Articles of his Lordships Commission to you directed, you shall do equall Law and right to all the Kings Subjects Rich and Poor, According to the Laws Customs & directions of the Acts of Assembly of this Province; and where they are Silent, According to the Laws Statutes and Reasonable Customs of England as have
 p. 175 been used and Practised in this Province: and not delay any person of Common right for any cause or pretence whatsoever: And in Case any Letters shall come to you contrary to Law, that you do nothing by them but cause them to be Entered on Record, and Certifye the King the Lord Proprietary or the Governor (for the time being) of them and proceed to Execute the Law notwithstanding the said Letters: That you shall hold your Courts According to the Acts of Assembly and the Directions in your Commission that you shall do and procure the profitt of the Lord Proprietary in all things where you may lawfully and reasonably do the same: And that you shall not Debarr or hinder the Prosecution of Justice, nor take any Gift bribe or fee for delaying or rendering of Judgment but shall behave yourselfe Justly honestly and faithfully to the best of your knowledge and understanding so long as you shall Continue in the said Office So help you God.

The following Message being prepared is sent to the Lower House by Col Ward and Michael Howard Esq^r

By the Upper House of Assembly 17th July 1732

Gentlemen.

On reading and Considering the Bill sent up from your House by M^r Beale and 24 more prescribing the form of an Oath to be taken by the Judges and Majestrates in this Province, We find it much the same with that Contained in the bill passed last Session by both Houses for that purpose but refused by our late Governor; And as his

Excellency our present Governor has been pleased to lay before this U. H. J. House the form of an Oath of Judge or Justice sent from his Lordship, And likewise a paper Containing some proposals for Reconciling the Difference between his Lordship & the Country upon this Important Occasion, which we are of opinion will be soonest & most Effectually considered of in a Conference between both Houses; if you concur therewith be pleased to appoint some Members of your House to Joyn with some of the Members of our House in a Conference for that purpose

Signed p Order John Ross Cl. Up. Ho.

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment
Present as in the Morning.

p. 176

A Message from the Lower House by M^r Hanson & two more.

By the Lower House of Assembly July 17th 1732

May it please Your Honours.

This House is Inclined to a Conference as proposed by your Honours this day in your Message by Coll^o Ward and Michael Howard Esq^r but desire that previous to a Conference the form of the oath of Judge or Justice sent from his Lordship and likewise the paper containing some proposals for Reconciling the Difference between his Lordship and the Country upon this Important occasion Communicated to your Honours by his Excellency the Governor be laid before this House,

Signed p Order M Macnemara Cl. Lo. Ho.

A Message from the Lower House by M^r Blackiston and M^r Hall

By the Lower House of Assembly July 17th 1732

May it please your Honours.

Our neighbours of New York and Pensilvania having the liberty of importing Salt directly from Lisbon which is very advantageous to them and would be so to the Inhabitants of Maryland had they the like Indulgence. We therefore desire your Honours will Joyn with this House in the best Method that can be thought of to procure the Liberty of Importing Salt directly from Lisbon into this Province.

Signed p Order M. Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight of the Clock.

U. H. J.
July 18

Tuesday Morning 18th July 1732

This House met again According to Adjournment
Present as Yesterday

The following Message being prepared is sent to the Lower House
p. 177 by Col. Ward with the Papers desired in their Message yesterday by
M^r Hanson and two more.

Gentlemen.

In answer to your Message of yesterday by M^r Hanson and two others We acquaint you that we thought it might have been sufficient to have Communicated the Oath and Proposals laid before this House by His Excellency the Governor, to the Members of your House upon the Conference But since you desire to have them laid before your House we have herewith sent Copies thereof.

Signed p Order John Ross Cl Up. Ho.

Read the Petition of Alexander Contee of Prince Georges County and Recommended to the Consideration of the Lower House of Assembly, Sent by Col Tilghman

Read the Petⁿ of severall the Inhabitants of Baltimore County praying leave to bring in a bill to lay out a parcell of Land on Coles harbour in the said County either as a Seperate Town or by way of Addition to Baltimore Town. Referred to the Consideration of the Lower House of Assembly.

Read the Petition of severall the Inhabitants living near the North branch of Patuxent River praying a bill may be brought in to clear the said Branch and to prevent persons from falling Trees therein, which hinder the Navigation thereof, Referred to the Consideration of the Lower House of Assembly;

The above Petitions sent by John Hall Esq^r

Read the Petition of severall the Inhabitants of Ann Arundell County praying a bill may be brought in to give them leave to pay their publick Dues Officers fees &c in some other Species than Tobacco, and rejected.

Read the Petition of severall the Inhabitants of Queen Anns County praying leave to bring in a bill to Lay out one hundred Acres of Land for a Town on a Tract of Land belonging to John Dempster of the said County Referred to the Consideration of the Lower House of Assembly

Sent by Phil Lloyd Esq^r

Adjourned till two of the Clock in the afternoon.

p. 178

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning with the Addition of Col Tilghman. U. H. J.

Read the second time the bill Entituled An Act for the Relief of Ann Osborn of S^t Marys County and ordered to be thus Endorsed.

By the Upper House of Assembly 18th July 1732

Read the second time and will pass.

Signed p Order John Ross Cl Up. Ho.

Sent by Michael Howard Esq^r

Read the Petⁿ of Thomas Sprigg of Prince Georges County praying leave to bring in a bill Empowring the Clerk of Prince Georges County to Record a Deed made by William Hutchison & Margery his wife & Edward Riston & Mary his Wife to Thomas Sprigg Father of the Pet^r and rejected, the Pet^r not having Complied with the Resolution of this House made last Session of Assembly.

Read the bill to prohibit raising Swine Sheep and Geese in the Town of Chester in Kent County, ordered to be thus Endorsed

By the Upper House of Assembly 18th July 1732

Read the second time and will pass.

Signed p Order. John Ross Cl. Up. Ho.

Sent by George Plater Esq^r

Adjourned till to Morrow Morning Eight of the Clock.

Wednesday Morning 19th July 1732

July 19

This House met again According to Adjournment.

Present as Yesterday

The Clerk of this House in regard of his weakness and Indisposition prays that an Assistant may be allowed him during his said Indisposition, and M^r William Banfield is Appointed as his Assistant, who takes the Oaths to the Governm^t and the oath of Clerk in the following words

You William Banfield do Swear that as Clerk Assistant of the p. 179 Upper House of Assembly you shall true Entries make of all such matters and things as by the said House, you shall be directed the Secrets of the said House you shall not Divulge to the Prejudice of the said House or any member thereof but in all things as Clerk Assistant to the said House well and truely demean your selfe According to the best of your Knowledge So help you God

A Message from the Lower House by M^r Crabb and M^r Hanson.

U. H. J. By the lower House of Assembly July 19th 1732
May it please your Honours.

This House doth Appoint M^r Dulany M^r Crabb M^r Smith M^r Beal M^r Hammond Capt. Hooper Col Hanson and M^r George to Joyn in a Conference with any Members of Your House when Appointed relating to the form of the Oath of Judge or Justice.

Signed p order M Macnemara Cl. Lo. Ho.

The following Message being prepared is sent to the Lower House by Col Tilghman Col Ward & Michael Howard Esq^r

By the Upper House of Assembly 19th July 1732
Gentlemen.

In Answer to your Message of this day by M^r Crabb and M^r Hanson this House hath Appointed Col Richard Tilghman Col Matthew Tilghman Ward and Michael Howard Esq^r Members of this House as Conferees to joyn the Members Appointed by your Conference about the Oath of Judge or Justice who are ready to Attend immediately at the House of M^r Lomas.

Signed p order John Ross Cl. Up. Ho.

Read the Petition of Cleborn Lomas a languishing Prisoner in Charles County Goal, and rejected the Pet. not having Given notice to his Creditors according to a resolution of this House made last Session of Assembly

Read the Petⁿ of John Tilden and Katherine his wife one of the Daughters and Coheirs of William Blay Decēd Aquila Paca and Rachel his wife another of the Daughters and Coheirs of the said
p. 180 Blay and Isabella Blay Another Daughter and Coheir of the said Blay; Rejected the Pet^{rs} not having Complied with the Resolution of this House made last Session of Assembly

Adjourned till two of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again According to adjournment
Present as in the Morning

The following Message being prepared is sent to the Lower House by Michael Howard Esq^r

By the Upper House of Assembly 19th July 1732
Gentlemen

On Reading and Considering your Message of 17th Instant by M^r Blackiston and M^r Hall relating to the Importation of Salt from Lisbon to this Province; we are Doubtfull that Liberty cannot now

be obtained without great Charge and Trouble, it having been so U. H. J. lately refused by the Brittish Parliament however if you can think it Practicable and can propose any reasonable Expedient for effecting it we shall be ready and willing to Joyn our Endeavours with Yours for that purpose.

Signed p order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Eight of the Clock.

Thursday Morning 20th July 1732.

July 20

This House met again According to Adjournment
Present as Yesterday

A Bill from the Lower House by M^r Matthews & M^r Hamilton Entituled an Act to repeal an Act Entituled an Act for the Relief of the Devises of James Philipps the Elder and Anthony Philipps late of Baltimore County Decēd thus Endorsed

By the Lower House of Assembly July 20th 1732

Read the first and second time by an Especial order and will pass

Signed p order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table p. 181

A Bill from the Lower House by M^r Clayton & M^r Hemsley Entituled an Act for the Erecting a Town on the South side of Chester River in Queen Anns County for Laying in Lotts Sixty Acres of Land at the mouth of the South East branch on the South side thereof on a point of Land known by the name of Hawkins's Prize house point thus Endorsed.

By the Lower House of Assembly July 20th 1732

Read the first and second time by an Especial order and will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

Read the Petition of the Rector Vestrymen and Church wardens & others the Inhabitants of S^t Paul's pish in Prince Georges County praying leave to bring in a bill for Building a Church and Chappel in said County Referred to the Consideration of the Lower House of Assembly, sent by Col Rider.

Read the Petition of Simon Pearson of Baltimore County, and Rejected the Pet^r not having given notice to his Creditors According to a Resolution of this House made last Session of Assembly

A Bill from the Lower House by M^r Crabb & 12 more Entituled an Act for the Tryal of all matters of fact in the severall Countys where

U. H. J. they have Arisen or shall Arise the Continuance of Causes in the Provincial Court & Adjournment of that Court thus Endorsed.

By the Lower House of Assembly July 15th 1732
Read the first time and ordered to lye on the Table
Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

By the Lower House of Assembly July 20th 1732
Read the second time and will pass.
Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem

p. 182 This House met again According to Adjournment
Present as in the Morning

M^r Hooper and M^r Allen from the Lower House attend with M^r Dashiel and M^r Caldwell Members Elected for Somerset County in order to see them Qualified, who take the Oaths to the Government Appointed to be taken by Act of Assembly, and severally subscribed the Abjuration and Test. and then withdrew.

Read the first time in this House the Bill for Tryals of Matters of fact in the severall Counties where they have Arisen or shall arise, the Continuance of Causes in the Provincial Court & Adjournment of that Court, ordered to lye on the Table.

Adjourned till to Morrow Morning Eight of the Clock

July 21 Friday Morning 21st July 1732

This House met again According to Adjournment
Present as Yesterday Except John Rousby Esq^r

Read the second time the bill Entituled An Act to Repeal An Act Entituled an Act for the Relief of the Devisees of James Philipps the elder and Anthony Philipps late of Baltimore County Decēd and ordered to be thus Endorsed.

By the Upper House of Assembly 21st July 1732
Read the second time and will pass.
Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Philip Lee Esq^r
Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

U. H. J.

This House met again According to Adjournment

Present as in the Morning

The Bill for Erecting a Town on the South side of Chester River in Queen Ann's County being read a Second time is ordered to be thus Endorsed.

By the Upper House of Assembly 21st July 1732

p. 183

Read the second time and will pass with the Amendm^{ts} herewith sent; That part of the bill from the word *thereof*, in page 2^d line 13th to the word, *shall*, in Page 3^d line 3^d to be left out, and the following words incerted instead thereof viz. shall cause the same to be Surveyed laid out and Divided as near as may be into Sixty Equall Lotts allowing such Sufficient Space or quantity thereof for streets Lanes and Alleys as to them shall seem Meet, with posts or stakes towards every Street Lane or Alley the said Lotts to be numbred, one, two, three, and so on to Sixty for the better and more sure Distinguishing each Lott from the other of which said Sixty Lotts the owner or owners of the said Land; and the word *to*, to be Added next after *and*, in page 4th Line 8th and a Clause to be added given the Annual rent to his Lordship of a Penny Curr p ann for Each of the said Sixty Lotts

Signed p order John Ross Cl. Up. Ho.

Sent by Benjamin Tasker Esq^r

An Engrossed Bill from the Lower House by M^r Waughop and M^r Hopewell Entituled an Act for the Relief of Anne Osborn of S^t Mary's County thus Subscribed

July 21st 1732

Read and Assented to by the Lower House of Assembly

Signed p order M. Macnemara Cl. Lo. Ho.

An Engrossed bill from the Lower House by M^r Wilson and M^r Hall Entituled an Act to Prohibit raising of Swine Sheep and Geese in the Town of Chester in Kent County thus Subscribed

July 21st 1732

Read and Assented to by the Lower House of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

The Engross'd Bills before mentioned were severally read & Assented to by this House & ordered to be so Subscribed; The Paper bills so Endorsed are Sent to the Lower House by Col Ward

Adjourned till to Morrow Morning Eight of the Clock.

U. H. J.
July 22
p. 184

Saturday Morning 22^d July 1732

This House met again According to Adjournment
Present as Yesterday except Col. Ward.

Read the Petition of Sabrett Sollers of Calvert County and rejected the Pet^r not having complied with a Resolution of this House made last Session of Assembly.

Read the Petition of Amos Woodward praying that an Allowance may be made him for his Vessell performing Quarentine; Referred to the Consideration of the Lower House of Assembly.

Sent by Col Tilghman.

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment
Present as in the Morning except Philip Lee Esq^r

Col. Tilghman from the Conference of both Houses Appointed in Relation to a Judges Oath makes the following Report Viz.

At a Conference held at the House of John Lomas in Annapolis
22^d July 1732

Present The Hon^{ble} { Col Richard Tilghman } of the Upper House
 { Michael Howard Esq^r }

M ^r Dulany	M ^r Hooper	} of the Lower House
M ^r Beale	M ^r Smith	
M ^r George	and	
M ^r Hammond	M ^r Hanson	

Collonell Tilghman, Chairman

Your Conferees Agree to the Oath hereunto Annexed as the proper Oath of Judge or Justice to be taken within this Province by the severall Majestrates therein and Submit the same to the Consideration of both Houses.

Robert Hanson	Henry Hooper	Daniel Dulany
Walter Smith	Philip Hammond	Michael Howard
Joshua George	John Beale	Richard Tilghman

p. 185 You shall swear that as a Justice of the Provincial Court of Maryland in all Articles of his Lordship's Commission to you directed you shall do equal Law and Right to all the Kings Subjects Rich and Poor according to the Laws Customs & directions of the Acts of Assembly of this Province so far forth as they provide and where they are Silent According to the Laws Statutes and Reasonable Customs of England as used and Practised within this Province and not delay any person of Common right for any Cause or pretence whatsoever And in Case any Letters or other Commandments shall

come to you Contrary to Law that you do nothing by them but U. H. J.
cause them to be entred on Record and Certifye the King the
Lord Prop^{ty} or the Governor for the time being of them and proceed
to Execute the Law notwithstanding the same Letters or Command-
ments That you shall hold your Courts According to the Acts of
Assembly and the Directions in your Commission, That you shall
do and procure the Profit of the Lord Proprietary in all things where
you may Lawfully and reasonably do the same And that you shall
not Debarr or hinder the prosecution of Justice nor take any Gift
Bribe or fee for delaying or Rendering Judgment but shall behave
your selfe Justly honestly and faithfully to the best of your Knowl-
edge and Understanding so long as you shall continue in the said
Office So help you God

To which Report this House Concurs .

A Bill from the Lower House by M^r Dulany and M^r Cumming
Entituled an Act for preventing Bribery and Corruption in the
Election of Citizens or Delegates to serve in Assembly for the City
of Annapolis thus Endorsed

By the Lower House of Assembly July 22^d 1732

Read the first and second time by an Especial order & will pass

Signed p Order M. Macnemara Cl. Lo. Ho.

Read in this House and ordered to be thus Subscribed

By the Upper House of Assembly 22^d July 1732.

Read the first & second time by an Especial order & will pass

Signed p Order John Ross Cl. Up. Ho.

Sent by Philemon Lloyd Esq^r

Adjourned till Monday Morning Eight of the Clock

p. 186

Monday Morning 24th July 1732

July 24

This House met again According to Adjournment.

Present as on Saturday with the Addition of Col Ward

A Bill from the Lower House by M^r Dulany & ten more Entituled
An Act for Ascertaining the form of the Oath of Judge or Justice
thus Endorsed.

By the Lower House of Assembly July 24th 1732

Read the first & second time by an Especial order & will pass

Signed p order M. Macnemara Cl. Lo. Ho.

- U H. J. Read the first time in this House & ordered to lye on the Table
 Read the Bill Entituled An Act for the Tryal of all matters of fact in the severall Countys where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court, & ordered to be thus Endorsed

By the Upper House of Assembly 24th July 1732

Read the second time and will pass with the following Amendments Viz. that in 3^d line of 3^d page the word *third*, be left out, and that the time of Notice in 13th line of 4th page be fourteen days instead of Ten, and the word *Ten*, instead of *Twenty* be inserted in fifth line of fifth page, and in 12th line of the same page, between, *Assize*, and *Oyer*, the word *of*, be put in, 9th line of 10th page the word *from*, be incerted before the word *proceeding* instead of, *of*; and that in the last line of the Tenth page between the words, *which*, and *time*, the word *the* be incerted, that in 16th page between 10th & 11th line the following proviso^e be added Provided always and be it Enacted by the Authority af^d that it shall and may be lawfull for the Justices of the Provincial Court for the Expediting the Causes so to be Tried before them to order the Sheriff of Ann Arundell County imediately to Summon a Competent & Sufficient Number of good and lawfull Men de circumstantibus or of the nearest Inhabitants to serve as Jurors and return a pannel of them for the Tryall of any Issue so to be had and Tried before the said Justices of the s^d Provincial Court

Signed p Order John Ross Cl. Up. Ho.

Sent by Jn^o Hall and George Plater Esq^{rs}

- p. 187 A Bill from the Lower House by M^r Hemsley & M^r Sheredine Entituled an Act for Limitation of Officers fees thus Endorsed.

By the Lower House of Assembly July 22^d 1732.

Read the first time and ordered to lye on the Table

Signed p order M. Macnemara Cl. Lo. Ho.

By the Lower House of Assembly July 22^d 1732

Read the second time by an Especial order and will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

A Bill from the Lower House by M^r Hammond & M^r Woolford Entituled an Act to prevent Cutting up Tob^o plants Destroying of Tobacco Houses and for Ascertaining the punishm^t of Criminals guilty of the said Offences thus Endorsed.

By the Lower House of Assembly July 24th 1732

U. H. J.

Read the first & second time by an Especial order & will pass

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

Adjourned till two of the Clock in the afternoon.

Eodem Die post Meridiem

This House met again According to adjournment

Present as in the morning

An Engrossed bill from the Lower House by M^r Dulany and M^r Goldsborough Entituled an Act for preventing bribery and Corruption in the Election of Citizens or Delegates to serve in Assembly for the City of Annapolis thus Subscribed.

July 24th 1732

Read and Assented to by the Lower House of Assembly

Signed p order Ma Macnemara Cl. Lo. Ho.

Read and Assented to by this House and ordered to be so Subscribed, the Paper bill so Endorsed is sent to the lower House by Michael Howard Esq^r

A Bill from the Lower House by M^r Cumming and M^r Howard Entituled an Act for the naturalization of Onorio Rasolini of Annapolis thus Endorsed.

By the Lower House of Assembly July 24th 1732

p. 188

Read the first & second time by an Especial Order & will pass

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

John Hall and Philemon Lloyd Esq^{rs} are sent to the Lower House to Acquaint them his Excellency requires their Attendance with their speaker; to see the Act Entituled an Act for preventing Bribery and Corruption in the Election of Citizens or Delegates to serve in Assembly for the City of Annapolis receive the Assent

The whole House Attend and by their Speaker present to his Excellency the aforementioned Act; which was signed & Assented to on behalfe of the Right Honōble the Lord Proprietary and Sealed with his Lordships Great Seal at Arms.

The Speaker and the whole House withdrew.

Adjourned till to Morrow Morning Eight of the Clock

U. H. J.
July 25

Tuesday Morning 25th July 1732

This House met again According to Adjournment
Present as Yesterday

Read the Bill Entituled an Act for the Naturalization of Onorio
Rasolini of Annapolis and ordered to be thus Endorsed

By the Upper House of Assembly 25th July 1732

Read the second time and will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Michael Howard Esq^r

Read the Bill Entituled an Act for Ascertaining the form of the
Oath of Judge or Justice and ordered to be thus Endorsed

By the Upper House of Assembly 25th July 1732

Read the second time and will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Col Tilghman Col Ward Benja^a Tasker Esq^r & Col Rider

Read the Bill Entituled an Act to prevent cutting up of Tobacco
plants destroying of Tobacco and Tobacco Houses and for Ascer-
taining the punishm^t of Criminals Guilty of the s^d Offences and
ordered to be thus Endorsed

By the Upper House of Assembly 25th July 1732.

Read the second time and will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Geo. Plater Esq^r

p. 189 Adjourned till three of the Clock in the afternoon.

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Eight of the Clock

July 26

Wednesday Morning 26th July 1732

This House met again According to Adjournment

Present as Yesterday

A Bill from the Lower House by M^r Crabb and Col. Belt Entituled
an Act for the laying out the Town a New called Marlborough in
Prince Georges County and for Ascertaining the bounds thereof
thus Endorsed

By the Lower House of Assembly 26 July 1732

U. H. J.

Read the first & second time by an Especial order & will pass

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

A Bill from the Lower House by M^r Dashiell & M^r Hopewell Entituled an Act for Reviving an Act for destroying Bears in Somerset County thus Endorsed.

By the Lower House of Assembly 26 July 1732

Read the first & second time by an Especial order & will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

An Engrossed bill from the Lower House by M^r Dulany and four more Entituled an Act for Ascertaining the form of the Oath of Judge or Justice thus Subscribed

By the Lower House of Assembly 26th July 1732

Read & Assented to.

Signed p order M Macnemara Cl. Lo. Ho.

Read and Assented to by this House and Ordered to be so Subscribed, the Paper bill so Endorsed is sent to the Lower House by Benjamin Tasker Esq^r

M^r Dulany and M^r Hawkins from the Lower House Attend with M^r Robert Gordon a Member Elected for the City of Annapolis in order to see him Qualified. who takes the Oaths to the Government Appointed to be taken by Act of Assembly, and Subscribes the Abjuration and Test & then withdrew p. 190

Read the severall Petitions of the Vestry & other Inhabitants of Durham pish and referred to the Consideration of the Lower House of Assembly, sent by Benjamin Tasker Esq^r

An Engrossed Bill from the Lower House by M^r Wright & M^r Hemsley Entituled an Act for the Erecting a Town on the South Side of Chester River in Queen Anns County, for laying in Lotts Sixty Acres of Land at the Mouth of the South East Branch on the South side thereof on a point of Land known by the name of Hawkins's Prize house point thus Subscribed

By the Lower House of Assembly July 26th 1732

Read & Assented to,

Signed p Order M Macnemara Cl. Lo. Ho.

U. H. J. Read and Assented to by this House & ordered to be so Subscribed, the paper bill so Endorsed is sent to the Lower House by Col Tilghman

The following Message being prepared is sent to the Lower House by Michael Howard Esq^r

By the Upper House of Assembly 26th July 1732

Gentlemen

On reading and Considering the bill sent up from Your House by M^r Hemsley and M^r Sheredine for Regulating Officers fees in this Province, some objections have been made in our House against the passing that bill not easily reconcileable by Messages between the Two Houses, We therefore propose that a Conference be Appointed to Settle that Affair, with which if your House Concurs be pleased to Appoint such Members as you think fitt to Joyn with some of the Members of our house for that purpose,

Signed p Order John Ross Cl. Up. Ho.

The following Message being prepared is sent to the Lower House by Col Rider

By the Upper House of Assembly 26th July 1732

Gentlemen,

It is not to be doubted but that the Importation of Industrious Laborious People into this Province is a Real Benefit thereto, We p. 191 therefore recommend to Your Consideration whether it be not Adviseable to Repeal the Act Laying an Imposition on Negroes and on severall Sorts of Liquors, imported and alsoe on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province so far as relates to the Importation of Irish Protestants especially considering that the Title of the said Act seems to Intend only to prevent the growth of Popery within this Province: As the case now stands the Duty Arising therefrom is very inconsiderable and we apprehend was the Duty taken off, those usefull People would as well repair to this Province as to that of Pensilvania.

Signed p Order John Ross Cl. Up. Ho.

A Message from the Lower House by M^r Beal and five more.

By the Lower House of Assembly July 26th 1732

May it Please Your Honours.

We have Considered your Message of this day by Michael Howard Esq^r and Appointed Mess^{rs} John Beal Joshua George, Philip Ham-

mond William Hemsley Ralph Crabb and Walter Smith to Joyn such U. H. J. Members of your House as you shall be pleased to Appoint to consider the Subject matter proposed in your Message

Signed p Order M Macnemara Cl. Lo. Ho.

Adjourned till Two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning

The following Message being prepared is sent to the Lower House by Phil Lloyd Esq^r Col. Ward and Mich^l Howard Esq^r

By the Upper House of Assembly 26th July 1732 .

Gentlemen

In Answer to your Message of this day by M^r Beal and five more this House hath Appointed Philemon Lloyd Esq^r Col Matthew Tilghman Ward and Michael Howard Esq^r members of this House to joyn Mess^{rs} John Beale Joshua George Philip Hammond William p. 192 Hemsley Ralph Crabb and Walter Smith Members Appointed by your House in the Conference by us proposed who are ready to Attend at the House of M^r George Neilson immediately

Signed p Order John Ross Cl. Up. Ho.

A Bill from the Lower House by M^r Beal & M^r Sprigg Entituled an Act to Impower the Inhabitants of Ann Arundell and Prince Georges Countys to make the Main Branch of the River Patuxent Navigable above Queen Anne Town in Prince Georges County af^d thus Endorsed

By the Lower House of Assembly July 26th 1732

Read the first & second time by an Especial order & will pass

Signed p order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

Adjourned till to Morrow Morning Eight of the Clock

Thursday Morning 27th July 1732

July 27

This House met again According to Adjournment

Present as Yesterday

L. H. J. Read the Bill Entituled an Act Reviving an Act for Destroying of Bears in Somersett County and ordered to be thus Endorsed

By the Upper House of Assembly 27th July 1732

Read the second time and will pass.

Signed ꝑ order John Ross Cl. Up. Ho.

Sent by Col Ward

Read the Bill Entituled an Act to Impower the Inhabitants of Ann Arundell County and Prince Georges County to make the main Branch of Patuxent River Navigable above Queen Ann Town in Prince George County and ordered to be thus Endorsed

By the Upper House of Assembly 27th July 1732

Read the second time and will pass.

Signed ꝑ Order John Ross Cl Up. Ho.

Sent by Benj^a Tasker Esq^r

A Message from the Lower House by M^r Crabb & M^r Courts

By the Lower House of Assembly 27th July 1732

p. 193 May it please Your Honours.

This House being of Opinion that a Paper Curr^y would Contribute to retrieve the Trade of this Province; and to remove many of the Difficultys under which the People Labour, hath Agreed that a Bill shall be brought in for that purpose; but as it is a Matter of great weight & Importance to the Country, We Conceive it best in order to preserve a good Correspondence between both Houses in every Step to be taken in an Affair of such great Consequence and for the Dispatch of the publick Business to desire a Conference with such Members of your House as your Honours shall think fit to Appoint with some of this House in order to Consider of the Heads of a Paper Bill to Emit a Paper Currency.

Signed ꝑ Order M. Macnemara Cl Lo. Ho.

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning

A Bill from the Lower House by M^r Dashiel & M^r Middleton Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain &

Sale from Benoni Fanning and Hannah his wife to John Contee U. H. J. and to make the same Deed valid ; thus Endorsed.

By the Lower House of Assembly 27th July 1732

Read the first & Second time by an Especial order & will pass

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

A Bill from the Lower House by M^r Hooper & M^r Nedels Entituled a Supplementary Act to the Act Entituled an Act to Encourage making Linnen Cloth within this Province of flax or Hemp of the Growth thereof, thus Endorsed

By the Lower House of Assembly 27th July 1732 .

Read the first & second time by an Especial order & will pass.

p. 194

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table.

The following Message being prepared is sent to the Lower House by Philemon Lloyd Esq^r

By the Upper House of Assembly 27th July 1732

Gentlemen

In Answer to your Message of this day by M^r Crabb and M^r Courts this House hath nominated Philemon Lloyd Benjamin Tasker and John Rider Esq^{rs} as Conferees to Treat with such Members as your House shall Appoint in relation to the Subject matter of the said Message

Signed ꝑ Order John Ross Cl. Up. Ho.

A Bill from the Lower house by M^r Dulany & three more Entituled an Act for Laying an Imposition on Tob^o ꝑ the Hogshead for Support of Government and for paym^t of his Lordships Quitt Rents and Alienation fines for the time thereon mentioned thus Endorsed.

By the Lower house of Assembly 26th July 1732

Read the first time and ordered to lye on the Table

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

By the Lower house of Assembly 27th July 1732

Read the second time and will pass.

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

A Message from the Lower house by M^r Dulany & five more.

U. H. J. By the Lower house of Assembly 27th July 1732
May it please Your Honours.

In Answer to your Message of this day by Philemon Lloyd Esq^r this House hath nominated Mess^{rs} Daniel Dulany, Joshua George John Magruder Henry Hooper John Beal and Edward Sprigg as Conferees to Treat with the Members nominated in your Message in relation to the Subject in our Message proposed and are ready to Attend immediately

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

p. 195 An Engrossed bill from the Lower house by M^r Crabb and three more Entituled an Act for the Tryal of all matters of fact in the severall County's where they have arisen or shall arise the Continuances of Causes in the Provincial Court and Adjournment of that Court thus Subscribed.

By the Lower house of Assembly 27th July 1732

Read and Assented to,

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

Read and Assented to by this house and ordered to be so Subscribed the Paper bill so Endorsed is sent to the Lower House by Philip Lee Esq^r

A Bill from the Lower house by M^r Smith & M^r Skinner Entituled an Act for the Assesment of one hundred Thousand pounds of Tobacco on the Taxable Inhabitants of Christ Church parish in Calvert County for the building of a Church and Vestry Room and for the purchasing two Acres of Land thus Endorsed.

By the lower house of Assembly 27th July 1732

Read the first & second time by an Especial order & will pass

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

A Bill from the lower house by M^r Wright & M^r Blackiston Entituled an Act for the Erecting a Town in Queen Anns County on Chester River opposite to Chester Town in Kent County on the Land possessed by John Dempster thus Endorsed

By the Lower house of Assembly 27th July 1732

Read the first time & ordered to lye on the Table

Signed ꝑ Order M. Macnemara Cl Lo Ho.

By the Lower House of Assembly 27th July 1732

Read the second time and will pass.

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Skinner & M^r Wood En- U. H. J.
titled an Act to Enable the Clerk of Calvert County Court to
Record a Deed of bargain and Sale from Richard Smith to Roger
Boyce and to make the same Deed valid thus Endorsed

By the Lower House of Assembly July 27th 1732

Read the first & second time by an Especial Order & will pass p. 196

Signed p Order M Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Allen & M^r Hopewell En-
titled an Act for Erecting a Town at the head of Wicocomico River
in Somerset County for laying into Lotts fifteen Acres of Land in the
fork thereof & at the Landing commonly now called Handys or
Carrs Landing thus Endorsed

By the Lower House of Assembly 27th July 1732

Read the first & second time by an Especial order & will pass

Signed p Order M Macnemara Cl. Lo. Ho.

An Engrossed Bill from the Lower House by M^r Goldsborough
& M^r Blackiston Entitled an Act for the Naturalization of Onorio
Rasolini of Annapolis thus Subscribed

By the Lower House of Assembly July 27th 1732

Read and Assented to

Signed p Order M Macnemara Cl. Lo. Ho.

Read & Assented to by this House & ordered to be so Subscribed
the Paper bill so Endorsed is sent to the Lower House by Philip
Lee Esq^r

An Engrossed bill from the Lower House by M^r Dashiell & M^r
Allen Entitled an Act to prevent Cutting up Tob^o Plants Destroying
of Tob^o and Tob^o Houses and for Ascertaining the Punishment of
Criminals guilty of the said Offences thus Subscribed.

By the lower house of Assembly July 27th 1732

Read and Assented to.

Signed p Order M Macnemara Cl. Lo. Ho.

Read and Assented to by this house & ordered to be so Subscribed
the Paper bill so Endorsed is sent to the Lower house by Philip
Lee Esq^r

Adjourned till to morrow Morning Eight of the Clock.

U. H. J.
July 28

Friday Morning 28th July 1732.

This House met again According to Adjournment

Present as Yesterday

Read the first time the bill Entituled an Act for the Assesment of
p. 197 one hundred thousand pounds of Tob^o on the Taxable Inhabitants
of Christ Church parish in Calvert County, for the Building of a
Church & Vestry Room, and for the purchasing of Two Acres of
Land; ordered to lye on the Table

Read the first time the bill Entituled an Act for the Erecting a
Town at the head of Wicocomico River in Somerset County for lay-
ing into Lotts fifteen Acres of Land in the fork thereof & at the Land-
ing Comonly now called Handys or Carrs Landing: Ordered to lye on
the Table.

Read the first time the Bill Entituled an Act for the Erecting a
Towne in Queen Anns County on Chester River opposite to Chester
Town in Kent County on the Land possēd by John Dempster;
ordered to lye on the Table.

Read the first time the bill Entituled an Act to Enable the Clerk
of Calvert County Court to Record a Deed of Bargaine and Sale
from Richard Smith to Roger Boyce and to make the same Deed
valid; ordered to lye on the Table.

A Bill from the Lower House by M^r Taylor & M^r Sheredine
Entituled an Act Ascertainning the Gauge & Tare of Tob^o Hōhds
to prevent cropping Cutting and Defaceing Tob^o taken on board ships
or Vessells upon Frieght to prevent false packing Tob^o & making
seconds: thus Endorsed

By the Lower House of Assembly July 26th 1732

Read the first time and ordered to lye on the Table.

Signed p Order M Macnemara Cl. Lo. Ho.

By the Lower House of Assembly July 28th 1732

Read the second time and will pass.

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

An Engrossed Bill from the Lower House by M^r Allen and M^r
Nedels Entituled an Act for Reviving an Act for destroying Bears
in Somerset County thus Subscribed

By the Lower house of Assembly July 28th 1732

Read & Assented to:

Signed p Order M Macnemara Cl Lo. Ho.

Read & Assented to by this house and ordered to be so Subscribed U. H. J.
the Paper bill so Endorsed is sent to the Lower House by John
Hall Esq^r

Read the Bill Entituled a Supplementary Act to an Act En- p. 198
tituled an Act to Encourage the making of Linnen Cloth within
this Province of Flax or Hemp of the Growth thereof, ordered to
be thus Endorsed.

By the Upper house of Assembly 28th July 1732

Read the second time and will pass.

Signed p Order John Ross Cl. Up. Ho.

Read the Bill Entituled an Act to Enable the Clerk of the Provin-
cial Court, or the Clerk of Baltimore County Court to Record a Deed
of Bargain and Sale from Benoni Fanning & Hannah his wife to
John Contee, and to make the same Deed Valid, and ordered to be
thus Endorsed.

By the Upper House of Assembly 28th July 1732

Read the second time and will pass.

Signed p Order John Ross Cl. Up. Ho.

The two bills before mentioned are sent to the Lower house by
Benjamin Tasker Esq^r

Adjourned till Two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning except Philip Lee Esq^r

The following Message being prepared is sent to the Lower
House by Col. Tilghman

By the Upper House of Assembly 28th July 1732

Gentlemen

His Excellency the Governor having sometime since received a
Letter from Captain Civility importing some Jealousies & Dissatis-
factions amongst the Conestogo Indians Occasioned by the settle-
ments made by the Inhabitants of this Province upon Lands on the
Western side of Susquehannah River near the Conestogo Town,
to which those Indians pretend a right; which Jealousies have been
much Augmented by the Insinuations of some ill disposed persons
Enemies to this Province, His Excellency therefore thought Con-
venient to give the said Captⁿ Civility an Invitation hither in order p. 199

U. H. J. to Remove any Suspitions he might have Entertained and Cultivate a good understanding for the future.

Pursuant to which Invitation Cap^t Civility Chief of the Conestogo with Six other of those Indians are now come down to this City, and as it has been heretofore Customary upon such occasions to make presents, that being by Experience found the Expedient to keep up an Amicable Correspondence with those People; whose friendship (altho not of themselves very Considerable, Yet as they are Dependant upon the five Nations) may be of Great Importance to us, We therefore propose that a present not Exceeding the Value of fifteen pounds Current Money be made to them, and desire the Concurrence of your House therein,

Signed p Order John Ross Cl. Up. Ho.

A Message from the Lower House by M^r Crabb & M^r Read

By the Lower House of Assembly July 28th 1732

May it Please Your Honours

This House agrees to make an Allowance of fifteen pounds Current Money to the Conestogo Indians for a present as proposed in your Message of this Day by the Hoⁿable Col. Tilghman

Signed p Order M. Macnemara Cl. Lo. Ho.

A Bill from the Lower House by M^r Hanson and M^r Middleton Entituled an Act for laying out a new fifteen Acres of Land part of the one hundred Acres of Land formerly Erected into a Town commonly called Benedict Leonard Town upon Patuxent River in Charles County besides the Lotts which have been already taken up pursuant to the Directions of former Laws and to restrain the Inhabitants from keeping any Stock Except within their Inclosure in the said Town, thus Endorsed

By the Lower House Assembly July 27th 1732

Read the first time & ordered to lye on the Table

Signed p order M Macnemara Cl. Lo. Ho.

By the Lower House of Assembly July 28th 1732

Read the second time and will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House and ordered to lye on the Table.

p. 200 A Bill from the Lower House by M^r Crabb & M^r Belt Entituled an Act to Prohibit raising of Swine in upper Marlborough Town in Prince Georges County thus Endorsed

By the Lower House of Assembly July 28th 1732

U. H. J.

Read the first & second time by an Especial Order & will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

A Bill from the Lower house by M^r Belt & four more Entituled an Act for the relief of James Gibson Roger Moody Ninian Mariartee and Henry Odel languishing Prisoners in Prince Georges County Goal, Joseph Sedgwick & Daniel Sullyvan Languishing Prisoners in Calvert County Goal Patrick Railey & Anthony Parker Languishing Prisoners in Charles County Goal Alex^r Simms & Archibald Johnson languishing Prison^{rs} in St. Mary's County Goal Samuel Steele John Madden & Benoni Pardo Languishing Prisoners in Queen Anns County Goal thus Endorsed.

By the lower house of Assembly July 28th 1732

Read the first & Second time by an Especial order & will pass

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

A Bill from the Lower house by M^r Scott & M^r Sheredine Entituled an Act for Erecting a Town on a Creek Divided on the East from the Town lately laid out in Baltimore County called Baltimore Town on the Land whereon Edward Fell keeps Store thus Endorsed.

By the Lower House of Assembly July 28th 1732.

Read the first & Second time by an Especial order & will pass

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

Two Engrossed Bills from the Lower House by Col Belt and M^r Caldwell one Entituled a Supplementary Act to the Act Entituled an Act to Encourage the making of Linnen Cloth within this Province of flax or Hemp of the Growth thereof The other Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain & Sale from Benoni Fanning & Hannah his wife to John Contee & to make the same Deed valid severally thus Subscribed

28th July 1732.

Read and Assented to by the Lower House of Assembly

p. 201

Signed p Order M Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed the Paper bills so Endorsed are sent to the Lower house by Jn^o Hall Esq^r

U. H. J. A Bill from the Lower house by the Gent above named Entituled an Act for the Continuance of St. Mary's County Court Baltimore County Court & Talbott County Court from the first Tuesday of August untill the first Tuesday of November next and for the further Continuance of Causes in the said Courts thus Endorsed.

By the lower House of Assembly July 28th 1732

Read the first & Second time by an Especial order & will pass.

Signed p order M Macnemara Cl. Lo. Ho.

Read the first & second time by an Especial order in this House, and will pass ordered to be so Endorsed & sent to the Lower House by Col Ward.

A Bill from the Lower House by Mr Crabb & Mr Warfield Entituled an Act for the Relief of Robert Brooks Thomas Norton John Sutton & Nehemiah Ogden languishing Prisoners in the Custody of the Sheriff of Prince Georges County & Peter Rambo a languishing Prisoner in the Custody of the Sheriff of Ann Arundell County thus Endorsed

By the lower House of Assembly 28th July 1732

Read the first & second time by an Especial Order & will pass.

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table
Adjourned till to Morrow Morning Eight of the Clock

July 29

Saturday Morning 29th July 1732

This House met again According to Adjournment

Present as Yesterday with the Addition of Philip Lee Esq^r

An Engrossed Bill from the Lower House by Mr Waughop & Mr Benson Entituled An Act for the Continuance of St. Marys County Court Baltimore County Court & Talbott County Court from the first Tuesday of August untill the first Tuesday in Nov^r next and for
p. 202 the further Continuance of Causes in the Said Courts thus Subscribed.

July 29th 1732

Read & Assented to by the Lower House of Assembly

Signed p order M Macnemara Cl. Lo. Ho.

Read and Assented to by this house & ordered to be so Subscribed the Paper bill so Endorsed is Sent to the Lower house by Colonell Tilghman

Michael Howard Esq^r is sent to the lower house to Acquaint them U. H. J his Excellency requires their Attendance with their Speaker to se[e] the Act past Entituled An Act for the Continuance of S^t Marys County Court Baltemore County Court & Talbot County Court from the first Tuesday of August untill the first Tuesday in November Next and for the further Continuance of Causes in the s^d Courts receive the Assent

The whole House attend and by their Speaker present to His Excellency the aforementioned Act, which was Signed & Assented to by his Excellency the Governor on behalfe of the Right Honōble the Lord Proprietary and sealed with his Lordships Great Seale at Arms

The Speaker and the house withdrew

Read the second time the Bill Entituled an Act for the Assesment of One Hundred Thousand pounds of Tobacco on the Taxable Inhabitants of Christ Church parish in Calvert County &c. Ordered to be thus Endorsed

By the Upper House of Assembly 29th July 1732

Read the Second time & will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by George Plater Esq^r

Read the second time the bill Entituled an Act for the Erecting a Town at the head of Wicocomoco River in Somerset County &c. ordered to be thus Endorsed

By the Upper house of Assembly 29th July 1732

Read the Second time & will pass with the following Amendments, that in 6th line of 3^d page the word *wilfully*, to be left out & in 8th line of 6th page the words, *to be*, be left out and that the words in the same line, *shall pay yearly*, to the words, *for each of the said Lotts*, in 10th line of the same page be left out, and the following words incerted; shall be Chargeable with and lyable to the payment of one penny Curr^t Money of Maryland ꝑ Ann. for each Lott to the Right Honōble p. 203 the Lord Proprietary & his heires for ever

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent by Philip Lee Esq^r

Read the second time the bill Entituled an Act to Enable the Clerk of Calvert County to Record a Deed of bargain & Sale from Richard Smith to Roger Boyce & to make the same Valid, ordered to be thus Endorsed

By the Upper House of Assembly 29th July 1732

Read the second time & will not pass.

Signed ꝑ Order John Ross Cl Up Ho.

U. H. J. Sent by Col Tilghman

Read the second time the Act for Erecting a Town on a Creek Divided on the East from the Town lately laid out in Baltimore County called Baltimore Town &c ordered to be thus Endorsed

By the Upper house of Assembly 29th July 1732

Read the second time & will pass with the following Amendments, that in 13th line of second page between the words *into*, and, *equally*, put, *Twenty*, and in second line of last page the words, *to be*, be left out; and that the words in the same line *shall pay Yearly*, to the words, *Lotts so taken up*; in fifth line of the same page be left out, and the following words incerted; shall be chargeable with and lyable to the payment of one penny Curr^t money of Maryland p Ann for each Lott to the Right Hon^{ble} the Lord Prop^{ry} & his heires for ever

Signed p order John Ross Cl. Up. Ho.

Sent by Col Ward.

Adjourned till two of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again According to Adjournm^t

Present as in the Morning

A Bill from the Lower House by M^r Warfield and M^r Hamilton Entituled an Act to Encourage Adventures in Iron works thus Endorsed.

By the Lower house of Assembly July 29th 1732

p. 204 Read the first & second time by an Especial order & will pass

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

Read the second time the Bill Entituled an Act for laying an Imposition on Tob^o by the hh^d for Support of Government and for payment of his Lordships Quitt Rents & Alienation fines for the time therein mentioned, ordered to be thus Endorsed

By the Upper House of Assembly 29th July 1732

Read the Second time and will pass

Signed p Order John Ross Cl. Up. Ho.

Sent to the Lower House by Col Tilghman and George Plater Esq^{rs} with the following Message

By the Upper house of Assembly 29th July 1732

U. H. J.

Gentlemen

On reading the bill herewith sent we find that the following Clause which was in the former Law is omitted Viz. And the Master or Masters of every such Ship or Vessel coming into this Province shall at his or their first Arrival here and before their lading on board any Goods or Commodities of the Growth production or Manufacture of this Province Give good and Sufficient Security for the payment of the Severall Duties before by this Act imposed.

And as we are of opinion that this is a Convenient Addition to be made to the bill, if your House Concurs therein it may be incerted at the end of first Paragraph of last side.

Signed ꝑ order John Ross Cl. Up. Ho.

Adjourned till Monday Morning Eight of the Clock

Monday Morning 31st July 1732

July 31

This House met again According to Adjournment

Present as on Saturday

Read the second time the bill Entituled An Act to Encourage Adventurers in Iron works ordered to be thus Endorsed.

By the Upper house of Assembly 31st July 1732

Read the second time and will pass

Signed ꝑ order John Ross Cl. Up. Ho.

Sent by Michael Howard Esq^r

A bill from the Lower House by M^r Hemsley & M^r Allen Entituled an Act for the speedy Recovery of Small Debts out of Court before a Single Justice of the Peace thus Endorsed p. 205

By the Lower House of Assembly July 28th 1732

Read the first time & ordered to lye on the Table

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

By the Lower House of Assembly July 31st 1732

Read the second time and will pass

Signed ꝑ order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table.

An Engrossed bill from the Lower house by M^r Smith and M^r Skinner Entituled An Act for the Assesm^t of one hundred Thousand pounds of Tob^o on the Taxable Inhabitants of Christ Church parish

U. H. J. in Calvert County for the Building of a Church and Vestry Room
and for the purchasing two Acres of Land thus Subscribed

31st July 1732

Read & Assented to by the Lower House of Assembly

Signed p order M. Macnemara Cl. Lo. Ho.

Read & Assented to by this House & ordered to be so Subscribed.

The paper bill so Endorsed is sent to the lower house by Col Rider

Philemon Lloyd Esq^r from the Conference of both Houses Appointed in Relation to a Paper Currency Bill makes the following Report

At a Conference held at the House of M^r Geo. Neilson in Annapolis July 29th 1732

Present

The Hon^{ble} { Philemon Lloyd Esq^r
Benj^a Tasker Esq^r & } of the Upper house
Col. John Rider

M^r Dulany M^r Magruder }
M^r Beale M^r Sprigg } of the Lower house
M^r Hooper M^r George }

Philemon Lloyd Esq^r Chairman

p. 206

Your Conferrees have taken into Consideration the Subject matter of the Conference and propose

1: That Bills of Credit be emitted for £72000

2. That the said bills Circulate for fifteen Years

3: That there be paid in by every Borrower a proportionable part of the Sume to be borrowed to the Number of the fifteen Years Limited for the Circulation of the Bills which shall be unexpired at the time of borrowing the money.

For Example if a Sume be borrowed within one Year after the passing the Act then one third part must be paid in Annually to the end all the bills may be brought in by the end of the 15th Year.

4. That the Interest be 4^l p Cent p Ann. and Annually paid for the whole sume to be borrowed and the Bills be lent on Real or personall Security.

5. That what shall be paid in of the principal for the first five years be remitted and afterwards to be destroyed as it comes in.

6. That what shall be paid in for Interest in the whole time be remitted.

7. That there be care taken to Support the Credit of the Bills & in order thereto that all Duties payable for discharging the publick

charge of the Province be paid in the said Bills and also that all the U. H. J. Inhabitants may if they please pay all their Levies (Except the 40^s of Tobacco p Poll) & officers and Lawyers fees, in the said Bills rating the Tobacco at Ten Shillings p Cent And that all Rewards and Bounties allowed by Act of Assembly & all penalties & forfeitures in Tobacco be paid in the said Bills of Credit at the said rate and that all Contracts to be made for Current Money be discharged by bills of Credit without any Difference or Discount.

8: That there be an Office Erected on each side of the Bay under the Management of three Commissioners at the Salary of Sixty pounds the first Year each of them and forty pounds p Annum afterwards:

That they employ a Clerk on each Shore who shall have Sixty pounds each p Annum

9. That a Committee of both Houses of Assembly be Appointed p. 207 every Session to inspect into and Examine the proceedings of the Commissioners.

10. That it be made felony without benefit of Clergy to Counterfeit the Bills of Credit or to pass any Counterfeit knowing them to be Counterfeit

That the Bill of Credit shall be

M s	M	
30. 20 Bills	30000	16 2. 6
		2000
20. 15	15000	32 1. 6
		2400
20. 10	10000	80 1.
		4000
20. 5	5000	144 6
		3600
		£72000

The first Years Charge will be

To the Salary of 6 Comm ^{rs} at £60 each	360
To two Clerks at 60 ^s each	120
Books Papers Printing &c by Computation	120
House Rent.	20
620	

The whole charge afterward will be

To Salary of 6 Comm ^{rs} 14 years at 40 ^s p Ann.	3360
To D ^o to two Clerks 14 years at 60 ^s each p Ann.	1680
To D ^o for Books &c at 20 ^s p Ann.	280
To D ^o for House Rent	280
6220	

Your Conferees have Calculated the growing Interest on the sume proposed to be Emittid for the fifteen years, and find that the same exclusive of incident Charges will amount to about 34278[£] (as will

U. H. J. appear by the Calculation annexed) which will be so much clear gain to the Country upon a Supposition that the Credit of the Currency is well Supported and that it be taken out of the office soon: And as the Support the Credit of this Currency will be of very great Consequence to the Province the Publick faith ought to be Engaged to
 p. 208 Support it: And if now or any time hereafter a Sinking fund of Eight hundred or one Thousand pounds p Ann. could be Established upon a good Foundation it would be of very great Service, all which is Submitted to the Consideration of both Houses

John Magruder Daniel Dulany Phil Lloyd
 Edward Sprigg John Beale Benj^a Tasker
 Joshua George Henry Hooper John Rider

Money Emitted Annual quota p ^d in	£72000 first y ^{rs} Int. at 4 P Cent	£2880, 14 y ^{rs} Int on that is	£1660
	4800		
Ditto	67200 2 ^d y ^{rs} 4800	do 2688, 13 y ^{rs} do	1391
Ditto	62400 3 years 4800	Do 2496. 12 yrs. Do	1188
Ditto	57600 4 years 4800	Do 2304. 11 y ^{rs} Do	1012
Ditto	52800 5 years 4800	Do 2112. 10 y ^{rs} Do	840
Ditto	48000. 6 years 4800	Do 1920 9 yrs. Do	684
Ditto	43200. 7 years 4800	Do 1728 8 y ^{rs} Do	552
Ditto	38400. 8 years 4800	Do 1536 7 y ^{rs} Do	427
Ditto	33600. 9 years 4800	Do 1344 6 yrs. Do	318
Ditto	28800. 10 years 4800	Do 1152. 5 yrs. Do	230
Ditto	24000 11 years 4800	Do 960. 4 yrs. Do	152
Ditto	19200. 12 years 4800	Do 768. 3 yrs. Do	90
Ditto	14400. 13 years 4800	Do 576. 2 yrs. Do	46
	9600 14 years	Do 384 1 year Do	15
	4800	£22848 8555	£8555
		31403	
The Remitting of the Annuall Quota for the first five Years will come to at 4 £ P Cent		£2875	
		£34278	

A Bill from the Lower house by Mr George and Mr Woolford U. H. J.
Entituled an Act Reviving and Continuing An Act of Assembly of p. 209
this Province Entituled an Act for the better Relief of poor Debtors
thus Endorsed

By the lower House of Assembly July 31st 1732

Read the first & second time by an Especial order & will pass

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table.

An Engrossed bill from the Lower house by Mr Dulany and Mr
Allen Entituled an Act for laying an Imposition on Tob^o by the
Hoggshead for the Support of Government & for payment of his
Lordships Quit rents & Alienation fines for the time therein men-
tioned thus Subscribed

31st July 1732

Read & Assented to by the lower house of Assembly

Signed p order M Macnemara Cl. Lo. Ho.

Read and Assented to by this House & ordered to be so Sub-
scribed.

The Paper bill so Endorsed is sent to the Lower house by Philip
Lee Esq^r

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This house met again According to Adjournment

Present as in the Morning

A Message from the Lower house by Mr Hanson and Mr Caldwell.

By the lower house of Assembly 31st July 1732

May it please Your Honours.

This house having taken into Consideration the Report of the
Conferrees, concurs therein Except in the following pticulars Viz.
That the Bills of Creditt shall discharge all Current Money Contracts
heretofore made or hereafter to be made, and that the Salary of the
Com^{rs} to put the bills in Execution be fifty pounds each for the first
year & propose that a bill be brought in Accordingly.

Signed p Order M Macnemara Cl. Lo. Ho.

An Engrossed bill from the Lower house by Mr Hamilton and Mr
Scott Entituled an Act for Erecting a Town on a Creek Divided on
the East from the Town lately laid out in Baltimore County called p. 210

U. H. J. Baltemore Town on the Land whereon Edward Fell keeps Store thus
Subscribed

31st July 1732

Read & Assented to by the lower House of Assembly

Signed p order M Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed
the Paper bill so Endorsed is sent to the Lower house by John
Hall Esq^r

Benjamin Tasker Esq^r is sent to the Lower house to Acquaint them
his Excellency requires their Attendance with their Speaker to see
the Acts, Viz.

An Act for Ascertaining the form of the Oath of Judge or Justice,
An Act for the Tryal of all matters of fact in the severall Counties
where they have arisen or shall arise the Continuance of Causes in
the Provincial Court & Adjournment of that Court, An Act for
laying an Imposition on Tobacco by the hh^d for Support of Govern-
ment & for payment of his Lordships Quit Rents & alienation fines
for the time therein mentioned, receive the Assent,

The whole House Attend & by their speaker present to his Ex-
cellency the aforementioned Acts, which were Signed and Assented
to by his Excellency the Governor on behalfe of the Right Honōble
the Lord Prop^{ty} and Sealed with his Lordships great Seale at Arms.

The Speaker & the whole house withdrew

Read the second time the bill Entituled an Act for the Relief of
James Gibson, Roger Moody Ninian Mariarte and Henry Odel lan-
guishing Prisoners &c. ordered to be thus Endorsed.

By the Upper house of Assembly 31st July 1732

Read the second time and will not pass

Signed p Order John Ross Cl. Up. Ho.

Sent by Col Tilghman

Read the second time the bill Entituled an Act for the relief of
Robert Brooks Thomas Norton John Sitton & Nehemiah Ogden
languishing Prisoners &c. ordered to be thus Endorsed;

By the Upper house of Assembly 31st July 1732

Read the second time and will not pass.

Signed p order John Ross Cl. Up. Ho.

Sent by Col Tilghman.

p. 211 An Engrossed bill from the Lower house by M^r Allen and M^r
Woolford Entituled an Act for the erecting a Town at the head of

Wicocomoco River in Somerset County, for laying into Lotts **U. H. J.** fifteen Acres of Land in the fork thereof & at the Landing now commonly called Handys or Carrs landing thus Subscribed

July 31st 1732

Read & Assented to by the Lower house of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed the Paper bill so Endorsed is sent to the lower house by John Hall Esq^r

The following Message being prepared is Sent to the lower house by Col. Ward.

By the Upper house of Assembly 31st July 1732

Gentlemen.

On Reading and Considering the report of the Conferrees in relation to a paper Currency, and your Message of this day by M^r Hanson & M^r Caldwell relating thereto We Concur with you in lessening the Com^{rs} Salary to fifty pounds p Ann. each for the first Year, but as to the bills of Credit Discharging debts already contracted we cannot agree thereto, for we Apprehend a Retrospect may have Mischievous Consequences being Contrary to Natural Justice

Signed p order John Ross Cl. Up. Ho.

A Message from the Lower house by M^r Beale & M^r Courts.

By the lower house of Assembly July 31st 1732

May it please your Honours

This house agrees to the Subject matter of your Message of this day by Col Ward, and have ordered a bill to be prepared Accordingly

Signed p order M. Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight of the Clock.

Tuesday Morning 1st August 1732.

Aug. 1

This house met again According to Adjournment.

Present as Yesterday

Read the second time the bill Entituled an Act for laying out a p. 212
new fifteen Acres of Land; part of the one hundred Acres of Land formerly Erected into a Town comonly called Benedict Leonard Town &c ordered to be thus Endorsed

U. H. J.

By the Upper house of Assembly 1st Aug^t 1732

Read the second time & with the following Amendm^{ts} will pass, that in 3^d line of the last page the words, *to be*, be left out, and that the words in the same line, *shall pay yearly*, to the words, *Twenty Lotts*, in 6th line of the same page be left out, and the following words incerted, shall be chargeable with and lyable to the payment of one penny Current Money of Maryland p ann. for each Lott to the Right Honourable the Lord Proprietary and his heires for ever.

Signed p Order John Ross Cl. Up. Ho.

Sent by George Plater Esq^r

A Message from the lower house with the Bills for relief of Sundry poor Debtors by M^r Crabb & 12 more.

By the lower house of Assembly August 1st 1732

May it please Your Honours.

We are very much concerned that your Hono^{rs} have rejected the Bills for relief of severall Languishing Prisoners, because this house is very well informed that they are real objects of Charity and to continue unfortunate Men in Close confinement cannot produce the least Advantage to their Creditors or any body else but may be the Loss of their Lives and add to the Calamities of their poor families.

These may be the Consequences of a long Confinem^t We have Several Melancholly recent instances, And we hope your Honours will so farr Compassionate the unhappy People who now apply to the Legislature, as to agree to the Bill for enlarging such of them as shall not Appear to have been guilty of fraud or Dishonesty. This we the more earnestly Intreat your Honours to comply with from a sence of the Sufferings of our fellow Creatures and fellow Subjects, and to prevent the sad Consequences already mentioned, We desire your Honours will pass the bill herewith sent.

Signed p order M Macnemara Cl. Lo. Ho.

p. 213 Read the Petition of several of the Inhabitants of Queen Ann & Dorchester Countys praying a bill may be brought in to lay out Thirty one Acres for a Town on a Tract of Land called Bridge Town, Referred to the Consideration of the Lower house of Assembly, Sent by Phil. Lloyd Esq^r

Read the second time the bill Entituled an Act for the Erecting a Town in Queen Ann's County on Chester River opposite to Chester Town &c. Ordered to be thus Endorsed.

By the Upper house of Assembly 1st August 1732.

Read the second time & with the following Amendm^{ts} will pass, that in 19th line of 5th page the words, *to be* be left out, and that the

words in the next line, *shall pay yearly*, to the words, *as aforesaid*, U. H. J. in the 22^d line of the same page be left out and the following words incerted, shall be chargeable with and lyable to the payment of one penny Current Money of Maryland ꝓ Ann. for each Lott to the Right Honourable the Lord Proprietary & his heires for ever.

Signed ꝓ order John Ross Cl. Up. Ho.

Sent by Michael Howard Esq^r

Two engrossed bills from the Lower House by M^r Hamilton and M^r Scott one Entituled an Act to Encourage Adventurers in Iron works, The other Entituled an Act to Repeal an Act, Entituled an Act for the Relief of the Devisees of James Philips the Elder & Anthony Philips late of Baltemore County Deceased, Severally thus Subscribed,

1st August 1732

Read and Assented to by the Lower house of Assembly

Signed ꝓ Order M Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed.

The Paper bill[s] so Endorsed are sent to the lower house by Benja^a Tasker Esquire.

Read the second time the bill Entituled an Act Reviving and Continuing an Act of Assembly of this Province Entituled an Act for the better relief of poor Debtors ordered to be thus Endorsed.

By the Upper house of Assembly 1st Aug^t 1732

Read the second time and will pass

Signed ꝓ order John Ross Cl. Up. Ho.

Sent by Col Rider.

Adjourned till two of the Clock in the afternoon

p. 214

Eodem Die post Meridiem

This house met again According to Adjournment

Present as in the Morning

A bill from the Lower house by M^r Hanson & M^r Taylor Entituled a Supplementary Act to the Act for Stay of Execution after the tenth of May thus Endorsed

By the lower house of Assembly 1st Augst 1732

Read the first time & Ordered to lye on the Table

Signed ꝓ Order M. Macnemara Cl. Lo. Ho.

U. H. J. By the Lower house of Assembly 1st August 1732

Read the second time and will pass

Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

Read the second time the bill Entituled an Act to Ascertain the gauge & Tare of Tob^o hh^{ds} to prevent cuting & defacing Tob^o taken on board Ships or Vessells upon Freight to prevent false packing of Tob^o & making seconds ordered to be thus Endorsed.

By the Upper house of Assembly 1st Aug^t 1732

Read the second time and will pass

Signed p order John Ross Cl. Up. Ho.

Sent by Philip Lee Esq^r

A Bill from the lower house by M^r Wright & M^r Taylor Entituled an Act for Erecting a Town at the Bridge near the head of great Choptank River in Dorchester & Queen Ann's Countys, thus Endorsed

By the lower house of Assembly August 1st 1732

Read the first & second time by an Especial order & will pass.

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to Lye on the Table.

Read the Second time the bill Entituled an Act for laying out the Town a New called Marlborough Town in Prince Georges County and ordered to be thus Endorsed.

By the Upper House of Assembly 1st August 1732

p. 215 Read the second time & will pass with the following Amendm^{ts} that thrô the whole bill, instead of the words *Original Proprietors*, put, *present Proprietors*, and in 6th line of 5th page between the words, *Ensuing*, and *and*, insert the following words, having a special regard in the Valuation of the said Lotts to the Right of such Proprietor or Prop^{rs} of such part of the said Town as hath formerly reverted to the original Prop^r According to the former Act of Assembly for laying out the said Town, and by the said Original Prop^r sold for a Valuable Consideration to the present possessors thereof, and in 5th line of 6th page the word, *Tobacco*, to be left out, and at the end of 6th page the following Clause to be Added; Provided also and be it Enacted by the Authority af^d that any person or persons that shall take up any Lott or Lotts within the Town af^d after it is so surveyed & laid out as af^d shall & is hereby obliged to

Build in & upon every such Lott or Lotts so taken up as af^d one U. H. J. Dwelling house to Cover four hundred Square feet of ground with a brick Chimney thereto, fully to be Compleated & finished within Eighteen months after the taking up said Lott or Lotts af^d any thing to the Contrary notwithstanding, and in 5th line of 7th page between the words, *made*, and *that*, put the words, and *built upon as before directed*, And in 10th line of Same page the words, *and be it further Enacted*, to the words, *for ever*, in the last line of the page be left out, and the following words Added, and be it further Enacted by the Authority, advice & consent af^d That every person taking up or being in possession of any of the Lotts in the af^d Town shall be chargeable with & lyable to the payment of one penny Current Money of Maryland p Annum for each Lott to the Right Honourable the Lord Proprietary and his heires for ever

Signed p order John Ross Cl. Up. Ho.

Sent by Col Ward.

Adjourned till to Morrow Morning Eight of the Clock.

Wednesday Morning 2^d August 1732

Aug. 2

This House met again According to Adjournment

Present as Yesterday Except John Hall Esq^r

Read the second time the bill Entituled an Act to Prohibit raising p. 216 of Swine in Upper Marlborough Town in Prince Georges County, ordered to be thus Endorsed.

By the Upper house of Assembly 2^d August 1732

Read the second time and will pass.

Signed p order John Ross Cl. Up. Ho.

Sent by Col Tilghman

Two bills from the Lower house by M^r Belt & three more, one Entituled an Act for raising a Duty of three halfe pence p hh^d on all Tobacco Exported out of this Province towards the Encouragement of Publick Schools within this Province; The other Entituled An Act for raising a Duty of three halfe pence p hh^d to the Governor on all Tobacco Exported out of this Province, Severally thus Endorsed.

By the lower house of Assembly August 2^d 1732

Read the first & Second time by an Especial order & will pass.

Signed p order M Macnemara Cl. Lo. Ho.

U. H. J. Read the first time in this house & ordered to lye on the Table.

A Message from the Lower House by M^r Crabb & M^r Sprigg with the Bill for laying out Marlborough Town a New

By the lower House of Assembly August 2^d 1732

May it please Your Honours

This House agrees to the severall Amendments proposed by Your Honours to the bill Entituled an Act for laying out the Town a New called Marlborough Town &c Except that of Brick Chimneys; Several bills for Erecting Towns have passed into Laws without that Amendment; So We desire your Honours to pass the bill herewith sent without Insisting on that Amendment

Signed ꝑ order M Macnemara Cl. Lo. Ho.

A Bill from the lower house by M^r Ward & M^r Woolford Entituled an Act repealing part of an Act Entituled an Act Laying an Imposition on Negroes & on several sort of Liquors imported and also on Irish Servants to prevent the Importing to[o] great a Number of Irish Papists into this Province & laying an Additional Duty on Papists, thus Endorsed.

By the lower house of Assembly August 2^d 1732

p. 217 Read the first & Second time by an Especial order & will pass

Signed ꝑ order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

The following Message being prepared is sent to the Lower house with the Marlborough bill by Benj^a Tasker Esq^r

By the Upper House of Assembly 2^d August 1732

Gentlemen

In Answer to your Message of this day by M^r Crabb & M^r Sprigg relating to the bill for laying out the Town a New called Marlborough we cannot recede from our Amendments proposed thereto

Signed ꝑ Order John Ross Cl. Up. Ho.

Read the second time the bill Entituled an Act for Erecting a Town at the bridge near the head of great Choptank River in Dorchester and Queen Ann Counties, ordered to be thus Endorsed

By the Upper house of Assembly 2^d Aug^t 1732

Read the second time and will pass

Signed ꝑ order John Ross Cl. Up. Ho.

Sent by Col. Tilghman

L. H. J.

Read the second time the bill Entituled an Act for the Speedy Recovery of small Debts ordered to be thus Endorsed;

By the Upper house of Assembly 2^d Aug^t 1732

Read the second time and with the Amendments herewith sent will pass.

Signed p Order John Ross Cl. Up. Ho.

Amendments proposed to the Bill for the Speedy Recovery of small debts.

By the Upper house of Assembly 2^d Augst 1732

Gentlemen

The bill herewith sent having much enlarged the Jurisdiction of the Majestrates, and also greatly Augmented their Trouble, We think it Just to make an allowance to the Majestrates & Constables & likewise Conceive it prudent to make a short Tryal thereof and therefore propose the Continuance thereof for three Years.

Signed p order John Ross Cl Up Ho.

Sent by Phil Lloyd Esq^r

An Engrossed bill from the Lower house by M^r Hemsley and M^r p. 218 Woolford Entituled an Act for the Erecting a Town in Queen Ann's County opposite to Chester Town &c. thus Subscribed

2^d August 1732

Read and Assented to by the Lower House of Assembly

Signed p order M Macnemara Cl. Lo. Ho.

Read and Assented to by this House & ordered to be so Subscribed, the Paper bill so Endorsed is sent to the Lower House by Philip Lee Esq^r

Read the second time the bill Entituled a Supplementary Act to the Act for Stay of Execution after the Tenth of May, ordered to be thus Endorsed.

By the Upper house of Assembly 2^d August 1732

Read the second time and will pass

Signed p order John Ross Cl. Up. Ho.

Sent by Michael Howard Esq^r

Adjourned till Two of the Clock in the afternoon

U. H. J.

Eodem Die post Meridiem

This House met again According to Adjournment
Present as in the Morning.

The following Message being prepared is sent to the Lower House
with the Prisoners Bills, by Geo. Plater Esq^r

By the Upper house of Assembly 2^d August 1732

Gentlemen.

We have read and Considered your Message of Yesterday by M^r Crabb and twelve more, and cannot Agree thereunto, it being against the Rule of Natural Justice to pass the Bills therein mentioned without due Notice Given to the Creditors of the Debtors in those Bills that they intended to Apply to the Legislature for the Relief thereby prayed.

Signed p order John Ross Cl. Up. Ho.

A Bill from the lower House by M^r Beale & twelve more Entitled an Act for Emitting & making Current Seventy two Thousand pounds Current Money of Maryland in Bills of Credit, thus Endorsed.

By the lower house of Assembly Aug^t 2^d 1732

Read the first time & ordered to lye on the Table

Signed p order M Macnemara Cl. Lo. Ho.

p. 219

By the Lower House of Assembly 2^d Augst 1732

Read the second time by an Especial Order & will pass.

Signed p Order M. Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

The following Message brought by the af^d Gentl.

By the lower house of Assembly Aug^t 2^d 1732

May it Please Your Honours

We have sent your Honours the bill for Emitting and making Current Seventy two thousand pounds Current Money of Maryland in bills of Credit, and propose that Benja^a Tasker Esq^r M^r Beale & M^r Crabb be Commissioners or Trustees to put the Act in Execution on this side the Bay & Matthew Tilghman Ward Esq^r M^r Hemmley and M^r Robins for the Eastern Shore wherein we desire your Honours Concurrence if there be no objection to any of the Gentlemen proposed if there be, this house will be ready to Joyn with your Honours in nominating others.

Signed p Order M Macnemara Cl. Lo. Ho.

Two Engrossed Bills from the lower House by M^r Dashiel and U. H. J. M^r Hall. one Entituled an Act to prohibit raising of Swine in Upper Marlborough Town &c. the other Entituled an Act Reviving & Continuing an Act of Assembly of this Province Entituled an Act for the better relief of poor Debtors, Severally thus Subscribed

August 2^d 1732

Read and Assented to by the Lower House of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

Read and Assented to by this house and ordered to be so Subscribed. The Paper Bills so Endorsed are Sent to the Lower House by Benjamin Tasker Esq^r

Adjourned till to Morrow Morning Eight of the Clock

Thursday Morning 3^d August 1732.

Aug. 3

This House met again According to Adjournm^t

Present as yesterday with the Addition of John Hall Esq^r

p. 220

A Message from the Lower house by M^r Belt & M^r Taylor.

By the Lower House of Assembly Aug^t 3^d 1732

May it please Your Honours

This House agrees to the Several Amendm^{ts} proposed by Your Honours in the Message with the bill for Speedy Recovery of Small Debts, except what relates to the Constables office being well Satisfied that the Office hath been much Coveted for the profit[s] that arise from serving the warrants for small debts, And the Act that relates to the Constables office still Subsists, This Bill likewise will encrease their fees, for which reasons We hope your Honours will not insist on that part of Your Proposals that we may pass the bill for Engrossing

Signed p Order M Macnemara Cl. Lo. Ho.

A Bill from the lower House by M^r Dashiel & M^r Scott Entituled an Act to Explain part of an Act Entituled an Act for the Advancement of Justice, thus Endorsed.

By the Lower house of Assembly 3^d August 1732

Read the first & Second time by an Especial order & will pass

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to Lye on the Table

U. H. J. A Bill from the lower House by M^r Hanson & M^r Hawkins Entituled an Act for the Assessment of Sixty Thousand pounds of Tobacco on the Taxable Inhabitants of Durham Parish in Charles County for the building a Church thus Endorsed

By the lower House of Assembly August 3^d 1732

Read the first & Second time by an Especial order & will pass
Signed p Order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table
The following Message being prepared is sent to the Lower House by Col Ward.

By the Upper house of Assembly 3^d Augst 1732

Gentlemen.

p. 221 As the original Duty of the three pence p hh^d contained in the two Bills sent up by Your House was Given as a marke of Regard from time to time to our Governors, either for the space of three Years or during their Government Over us, And as his Lordship of his Great goodness and Regard to the Instruction of the Youth of this Province in Literature was pleased to direct one of his Governors to give up to the use of Schools within this Province one Moiety of the said three pence p hh^d if raised We therefore as in Duty bound, and in order to shew the deep sence We have of his Lordships good Intentions as well as regard to His Excellency our present Governor do insist that the three pence p hh^d be raised by one Law as heretofore and Continued as usuall for the space of three Years or during the time of his Excellencys presiding Over us, and therefore we recomēd the preparing a bill for that purpose.

Signed p order John Ross Cl. Up. Ho.

An Engrossed Bill from the Lower house by M^r Hawkins and M^r Middleton Entituled an Act for laying out a New fifteen Acres of Land part of one hundred Acres of Land formerly Erected into a Town called Benedict Leonard Town, thus Subscribed.

August 3^d 1732

Read and Assented to by the Lower House of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

Read & Assented to by this house & Ordered to be so Subscribed the Paper bill so Endorsed is sent to the lower house by Col Tilghman.

A Message from the lower house with the Prisoners Bill by M^r Hanson and Six more

By the Lower house of Assembly Aug^t 3^d 1732

U. H. J.

May it please Your Honours.

We again take the liberty of Recommending to your Consideration the Miseries of the poor Languishing Prisoners, and altho we agree with your Honours that it is not Consistant with the Natural Justice to deprive any Man of the least part of his right unheard (which is what we Apprehend to be your Honours meaning with Regard to the Discharging Prisoners for Debt) yet We beg leave to observe that, that is not the present Case, and that no person can possibly suffer by the releasing poor unfortunate Men, Who are willing to p. 222 give up every thing They have in the world to their Creditors, and thereby make all the Satisfaction in their power, That their Continuing in close confinement will instead of increasing lessen their Estates and Consequently be a detriment and not an Advantage to their Creditors, besides as their future Acquisitions will be Subject to the payment of their Just Debts, so the sooner they are Enlarged, the Sooner they will be in a Condition by their Labour and Industry to Satisfy their Creditors in part or the whole, Whereas a long Confinement will Certainly impair the health of such as may Escape with Life, and render any Satisfaction being made to the Creditors wholly impossible. This house is Informed that there are now above Twenty Men in the Goal of Prince Georges County (and many more Expected to be in the same Condition very soon) which number being confined in so Narrow a Compass as any of our Goals, must prove fatal to many of them, and the Maintaining so many ruinous to the Sheriffe.

Your Honours are very sensible of the Melancholy Condition the Count[r]y is in, and that great Numbers of even Industrious People have been obliged to run in debt beyond what they are able to comply with, and should their Creditors be rigorous and the Legislature not Interpose great part of the Province would soon be depopulated, and no new Inhabitants could be Expected in the Room of those that would leave it.

As to the Prisoners who have Applied to this Assembly and are mentioned in the two bills sent to your Honours this House is willing to come into any measures to Subject them to any Examination before the County Courts or at the next Assizes to the end that if any of them have Committed any frauds they may be Detected, and that such as have done so may receive no benefit from the Acts, which Expedient this House conceives will Effectually obviate the Objection made by Your Honours.

This Provision being made We request your Hono^{rs} will pass the Bills

Signed p order M Macnemara Cl. Lo. Ho.

U. H. J. The following Message being prepared is sent to the lower House
 . p. 223 by Philemon Lloyd Esq^r

By the Upper house of Assembly 3^d August 1732

Gentlemen.

We are willing to recede from our Amendment proposed to the Bill for Speedy Recovery of Small Debts in Relation to the Constables office, and desire your house will proceed in passing the same

Signed p order John Ross Cl Up. Ho.

His Excellency is pleased to deliver to this House a paper in the following words.

Gentlemen of the Upper House of Assembly

Whereas I am Informed by several officers of the Militia that the Act of Assembly now in force for Regulating the Militia does not Effectually Answer the end for w^{ch} it was made; that the officers have not Sufficient power to oblige the private Men to Appear at Musters and Learn the Necessary Discipline, that Sufficient Provision is not made for preserving and cleaning the Arms & other Utensils of War lodged in the several Countys so that many of them are already Spoiled and Lost, and the rest Continually impairing; I therefore recommend to your Consideration the making such Provision relating thereunto as in your Discretion shall be thought necessary

Sam^l Ogle.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning

A Message from the Lower house by M^r Belt and M^r Goldsborough.

By the Lower house of Assembly Aug^t 3^d 1732

May it please Your Honours.

In Answer to your Message by Col Ward, It is true the three
 p. 224 pence p hh^d has been heretofore Given to the Governors of this Province; and that ever since the year 1720 our Governors have had only a Moiety thereof, and the other Moiety has been Applied to Support Schools; but the Duty has not always been either for three years or during the Governors Government; for in October 1720: there was an Act to continue the said Duty until September 1721. This, as all other Duties on Tobacco, is payable by the People, and

therefore ought to be applyed & disposed of with their Consent; and U. H. J. altho his Lordship recommended the Application of one halfe of that Duty to Support Schools, and the Assembly Agreed thereto and passed severall Laws for that End which are all Expired; His Lordship never had any property in the Duty, nor was any part thereof of his Gift, and the Right of Continuing or not Continuing the same devolves on the Legislature, of which, we as Representatives of the People, are a Part, And the part in which all Bills for laying any Duty or Imposition ought to begin, And therefore your Honours have no right to insist that the three pence ꝑ hh^d be raised by one Law as heretofore and continued for one certain Space.

As to what Concerns his Excellency the Governor We do with the greatest Sincerity assure your Honours that We have that regard for him, which a gratefull People ought to have for the best of Governors; And that our limiting the three halfe pence ꝑ hh^d to be paid him for one year only did not proceed from any Disrespect to [his] Person, or Diffidence in his future Conduct; but to Ascertain our own Right in disposing of Money, which we and the People we represent must pay; and to have it in our own power to Acknowledge our Gratitude to, and demonstrate our regard for our Governor oftner than we could otherwise have: And as the Duty is to be applyed to very Different purposes, We conceive it to be more regular to have it in Seperate Bills than in one, And that its being in one formerly is not a good reason to Continue it so Still, if a more proper Method can be fallen upon, which We conceive Seperate bills to be for the reasons already given & therefore we desire Yo^r Hon^{rs} will pass the bills as they are.

Signed ꝑ order M Macnemara Cl. Lo. Ho.

A Message from the Lower House by M^r Goldsborough & M^r Nedels. p. 225

By the lower house of Assembly Augst 3^d 1732

May it please Your Honours.

This House hath resolved to allow for the publick Charge of this Assembly from Tuesday last to Saturday next at the rate of 10^s Current Money for every hundred pounds of Tobacco and desires the Concurrence of Your House.

Signed ꝑ Order M Macnemara Cl Lo. Ho.

Read the second time the Bill Entituled an Act laying an Imposition on Negroes and on severall Sorts of Liquors Imported and also on Irish Servants &c. ordered to be thus Endorsed

U. H. J. By the Upper house of Assembly 3^d August 1732

On reading and Considering the within Bill we are of Opinion that the Duties of Twenty Shillings Sterling and Twenty Shillings Currency already Imposed by former Acts of Assembly are Suffi-
cient to hinder the Importation of Irish Papists into this Province, besides We are apprehensive that should We lay too great a Duty upon them it might induce some persons who may think themselves injured by it, to make such Representations of the Case as may occasion the taking off the whole Duty, and therefore We desire that part of the Bill imposing an Additional duty of Twenty shillings Sterling, may be omitted, with which Amendment this Bill will pass.

Signed p Order John Ross Cl. Up. Ho.

Sent by John Hall Esq^r

Read the second time the bill Entituled an Act for raising a Duty of three halfe pence p hh^d on all Tobacco Exported out of this Province towards the Encouragement of Publick Schools within this Province; And the Bill Entituled an Act for raising a Duty of three halfe pence p hh^d to the Gov^r on all Tobacco Exported out of this Province; ordered to be Severally thus Endorsed

By the Upper house of Assembly 3^d August 1732

Read the second time & will not pass.

Signed p order John Ross Cl. Up. Ho.

Sent by George Plater Esq^r

p. 226 The following Message being prepared is sent with the Prisoners Bill and two Certificates to the Lower House by Michael Howard Esq^r

By the Upper house of Assembly 3^d August 1732

Gentlemen.

Alexander Simms & Archibald Johnston mentioned in one of the Bills sent us with your Message having as now Appears to us by proper Certificates from the County Clerk to which they belong, given due notice to their Creditors that they would Apply to the Legislature for the Relief prayed for by the said Bills, We agree that the said Simms and Johnston shall be relieved in the Manner prayed by those Bills, but as to the other Debtors therein we cannot albeit We have duely Considered Your Message, agree to the passing a bill for their Enlargement as desired by your Message.

Signed p Order John Ross Cl. Up. Ho.

The following Message being prepared is sent to the Lower House by Col Rider

By the Upper house of Assembly 3^d August 1732

U. H. J.

Gentlemen.

This House doth agree to the allowance to be made to the Members of this Assembly at the rate of Ten Shillings Current Money for every hundred pounds of Tobacco for the time mentioned in your Message of this day by M^r Goldsborough and M^r Nedels

Signed p order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Eight of the Clock.

Friday Morning 4th August 1732

Aug. 4

This House met again According to Adjournment

Present as Yesterday

A Bill from the Lower house by M^r Herman and M^r Dashiel Entituled an Act for raising a Duty of three pence p hh^d on all Tob^o Exported out of this Province for the uses therein mentioned thus Endorsed

By the lower house of Assembly August 4th 1732

Read the first & Second time by an Especial order & will pass.

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table p. 225 [a]

Three Engrossed Bills from the lower house by M^r Hemsley and M^r Sheredine one Entituled an Act repealing part of an Act Entituled an Act Laying an Imposition on Negroes & on Severall Sorts of Liquors imported & also on Irish Servants to prevent the Importing to[o] great a Number of Irish Papists into this Province, and one Entituled a Supplementary Act to the Act for stay of Execution after the Tenth of May; The other Entituled an Act Ascertainning the Gauge and Tare of Tob^o hh^{ds} Severally thus Subscribed.

August 4th 1732

Read and Assented to by the Lower house of Assembly

Signed p order M Macnemara Cl. Lo. Ho.

Read and Assented to by this House and ordered to be Severally so Subscribed the Paper bills so Endorsed are Sent to the Lower House by Col Tilghman

Read the second time the Bill Entituled an Act to Explain part of an Act Entituled an Act for the Advancem^t of Justice ordered to be thus Endorsed.

U. H. J. By the Upper House of Assembly 4th August 1732

Read the second time and will pass.

Signed p order John Ross Cl Up Ho.

Sent by Benjamin Tasker Esq^r

An Engrossed Bill from the Lower House by M^r Hooper & M^r Elliott Entituled an Act for the Erecting a Town at the Bridge near the head of Great Choptank River in Dorchester & Queen Ann Counties thus Subscribed

4th August 1732

Read and Assented to by the Lower House of Assembly

Signed p Order M Macnemara Cl Lo. Ho.

Read and Assented to by this house and ordered to be so Subscribed, the Paper bill so Endorsed is sent to the Lower House by Col Tilghman

Read the second time the bill Entituled an Act for the Assessment of Sixty Thousand pounds of Tobacco on the Taxable Inhabitants of Durham parish in Charles County for the building a Church, ordered to be thus Subscribed

p. 226 [a] By the Upper house of Assembly 4th August 1732

Read the second time and will pass.

Signed p Order John Ross Cl. Up. Ho.

Sent by Col Ward

A bill from the Lower house by Col Belt & M^r Sprigg Entituled an Act for the Assesment of so much Tobacco on the Inhabitants of St Paul's parish in Prince Georges County as [will] build them a New pish Church & Chappel of Ease thus Endorsed.

By the lower house of Assembly 4th August 1732

Read the first & second time by an Especial order & will pass

Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table

A Message from the lower house by M^r Taylor & M^r Goldsborough

By the lower house of Assembly 4th August 1732

May it please Your Honours.

There having been Complaints made in this House concerning some abuses in taking out warrants for great Quantities of Land, locating them on vast Tracts more than the Warrants were taken out

for & even without any warrants or Entries made with some Sur- U. H. J. veyors directing them to Survey no land but for a particular person or persons whereby Severall People desirous of Taking up Lands have been deterred from so doing to the Great Loss of his Lordship & prejudice of the People.

A Committee hath been Appointed to enquire in the said Abuses who have reported to this House that Col John Rider a Member of your house hath been named to them as a person who can give some Account of the said Abuses, This House therefore desires your Honours Permission that the said Col John Rider may give the Committee of this house what Information he can concerning the abuses complained of

Signed p Order M Macnemara Cl. Lo. Ho.

A Message from the lower house by Mr Dashiell & three more

By the lower house of Assembly August 4th 1732

May it please Your Honours

This House in Compassion to the Sufferings and Danger of the Distressed and Languishing Prisoners for Debt once more Apply to Your Honours on their behalf in hopes that if their Enlargement can be reconciled with Justice that Your Honours will no longer oppose it.

This House conceives that the preamble to the Statute of 22^d & 23^d Car. 2^d C: 20th exactly Suits the Condition of the prisoners now in Confinement; and of many others who are yet at large in the General; and that what the Parliament of England then thought fit to do for the Relief of Distressed Prisoners for Debt may be a president for the Assembly of Maryland to Govern itselfe by. p. 227

The Statute of the second year of his present Majesties Reign for the Relief of Insolvent Debtors mentions such unhappy Debtors to have always been the objects of publick Compassion, and prescribes a method for their Enlargement Subjecting (as the Statute of 22^d & 23^d of King Charles the second does) what they should Acquire after obtaining their liberty to the payment of their debts

This house has the liberty of the poor Distressed Prisoners for Debt now in Confinement so much at heart that We are willing to prepare a bill on the same Plan with either of the said Statutes, which may be most agreeable to your Honours for their Release; which, your Honours, we hope will Concurr in, since there is so good a foundation to build on as Two Acts of Parliament

This House is not aware of any objection of Weight, that can be made to the Enlarging these unhappy Men, but that they have not Complied with the Resolutions of your House, which we believe may have proceeded from their not having any notice of them in severall

U H. J. parts of the Province (as Severall Members of this House protest they themselves had not) and as Your Resolutions have not been so long made, or so Carefully published, as that there is even a probability that the People in Generall had Oppertunity of being Acquainted with them so it would (this house conceives) be hard to inflict the highest punishment on any one for not complying Exactly with any new Resolution, which is not promulgated so as that every person concerned therein could have Sufficient knowledge thereof; And that it would be Extreemly Rigorous to punish with loss of Liberty or Life any person under Such Circumstances.

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

p. 228 An Engrossed Bill from the Lower House by M^r Warfield and M^r Middleton Entituled an Act to Explain part of An Act Entituled an Act for the Advancement of Justice thus Subscribed

August 4th 1732

Read & Assented to by the Lower House of Assembly

Signed ꝑ Order M Macnemara Cl Lo. Ho.

Read & Assented to by this House & ordered to be so Subscribed

The Paper bill so Endorsed is sent to the Lower house by George Plater Esq^r

The Journal of the Committee of Accounts is brought from the Lower house by M^r Beale & three more thus Subscribed

4th August 1732

Read and Assented to by the lower house of Assembly

Signed ꝑ order M Macnemara Cl Lo. Ho.

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning Except John Hall Esq^r

Two Engrossed Bills from the lower house by M^r Ward & M^r Hopewell one Entituled an Act for raising Sixty Thousand pounds of Tobacco on the Taxable Inhabitants of Durham parish in Charles County for the building a Church; The other An Act for the Speedy Recovery of Small Debts out of Court before a Single Majestrate severally thus Subscribed

August 4th 1732

Read & Assented to by the lower house of Assembly

Signed ꝑ order M Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed U. H. J. the Paper bills so Endorsed are sent to the lower House by George Plater Esq^r

Read the second time the Bill Entituled an Act for Emitting and making Current seventy two Thousand pounds Current Money of Maryland in Bills of Credit ordered to be thus Endorsed,

By the Upper house of Assembly 4th August 1732

Read the second time & with the Amendm^{ts} herewith sent will pass

Signed ꝓ Order John Ross Cl. Up Ho.

Amendm^{ts} to the Paper Currency Bill

p. 229

P. 1st L. 4 Instead of *not*, put the word, *Scarcely*,

P. 2^d L. 2. Instead of the words, *by the first day of June next after the end of this present Session of Assembly*, put, *within two months after his Lordships Assent to this Act shall be published & declared in this Province.*

L. 13. Insert the word, written, after, *names*

P. 3. L. 4. After the word, *and*, Add the following words. *The Gov^r or President for the time being is hereby empowered to Nominate and Appoint 3 Com^{rs} or Trustees for Western Shore; and three Com^{rs} or Trustees for the Eastern Shoar, and the words in 5th 6th & 7th Lines to the word, who, in 8th line to be left out*

L. 15. Instead of the words, *happen to Dye or be removed by Misfeazance or for not Acting*, put, *shall Dye, refuse to Act, or be removed,*

P. 5. L. 11 Between the words, *to*, and *the*, put, *either of*

P. 7. L. 5. Put the words, *are in*, instead, of, *shall be*,

Back L. 5. After the word, *Hogshead*, add *or other package*

P. 8. L. 9. Instead of the word, *April*, put, *March*

P. 14. L. 9. Instead of the words, *so that*, put, *altho*, and in the next line of the same page, the words *to be*, be left out.

P. 20. L. 3. After the word *thereof*, put, *And so Annually in proportion to the sune remaining unpaid*, instead of, *or of so much therof as shall remain unpaid*

And the following Clause to be Added Provided always and be it Enacted by the Authority af^d that nothing in this Act Contained shall Extend or be construed to Extend to the paying or Discharging in Bills of Credit any Rents or other dues payable or to be payable in Money to the Lord Proprietary his Heires or Successors for or by reason of any Cause matter or thing not mentioned in this Act

Provided that no part or Clause of this Act shall have Effect or be put in Execution untill such time as the Approbation of his Lord-

U. H. J. ship the L^d Prop^{ty} of this Province thereto shall be published or declared in this Province any thing herein before contained to the Contrary Notwithstanding.

Signed p order John Ross Cl. Up. Ho.

p. 230 Sent to the Lower house with the following Message by Col Tilghman and Col Ward

By the Upper House of Assembly 4th August 1732

Gentlemen.

On Reading the Bill herewith sent We Apprehend the Trouble to the Com^{rs} in the Executing there Duty is Considerably more than at first We Conceived it to be; We therefore propose if you think fitt that their Allowance Annually during their Continuance in that office be fifty pounds

Signed p order John Ross Cl. Up Ho.

Adjourned till to Morrow Morning Eight of the Clock

Aug. 5

Saturday Morning 5th August 1732

This house met again According to Adjournment

Present as Yesterday

The following Message being prepared is sent to the lower House by Michael Howard Esq^r

By the Upper house of Assembly 5th August 1732.

Gentlemen.

We have read & Considered your Message of this Day by M^r Dashiel & three more relating to the Prisoners in the severall Goals in this Province, and have the same Compassionate Regard for those who are really objects of Charity which you are pleased to Express

But as we could not think it Justifiable by Extending Our Charity to one person to do a Manifest Injustice to Another We therefore thought it Necessary to make a Resolve of this house the last Session, Obliging all persons who Intended to Apply for the passing of private Laws to give timely Notice to such persons as might be concerned therein that they might have an Oppertunity to Assert their Right when such Applications were made

And that no persons might be surprized by this resolve Copies of it were sent into all the Counties in this Province, and ordered to be published by the several Sheriffs in whose Custody the Prisoners are, and who doubtless gave notice of it to such as were in their Custody, and yet those Prisoners are Careless of Complying with this Resolve, as they have been heretofore in paying their Just Debts, or

perhaps fearing that their Creditors would be able to make such U. H. J. Representations To the Legislature as would hinder the passing a p. 231 Law in their favour, have refused or Neglected to give Notice to their Creditors pursuant to the said Resolve, and Depended upon the to[o] great Indulgence heretofore used in Cases of the like Nature.

We cannot but observe that your Method of Treating us upon this occasion seems very Extraordinary, You tell us in your last Message that your House is not aware of any objection of weight that can be made against the Enlargement of the Prisoners other than they have not complied with the Resolution of our House, seeming not to allow it to be made upon principals of Reason & Justice, and insinuating that proper Measures had not been taken for the publication of it; Whereas we conceive the Security of the Rights and propertys of the People which was the foundation of that Resolve is a Sufficient Reason to Justify the making of it; And the Methods before recited taken for the Publication such as were most likely to Effect it; This being premised, we are of opinion that was no other Reason for rejecting the Prisoners bill but that of their not Complying with the Resolve of this House it would be a Sufficient Justification, but the great abuse of the Lenity of the Legislature in cases of this Nature has Encouraged Debtors not only to Neglect the payment of their Debts, but to Abuse and even dare their Creditors to prosecute for them, & when prosecuted to Judgment and Execution issue, the Debtors avoid the Sheriff untill Just before a Session of Assembly, and then Suffer themselves to be taken on purpose to be Released, which they accordingly have been, altho many of them by their own Industry were able to pay their debts & did not deserve that favour

When we are thus Endeavouring to prevent such abuses as these, we think you cannot Justly charge us with Inflicting the Highest punishm^{ts} for a Non Compliance with a New Resolution Especially if it be considered that the not passing the Bill for the Relief of the Prisoners, is not inflicting a punishment as your Message Suggests, but only denying an Extraordinary favour, Because we think the Persons desiring it are not Justly Entitled to it; To Conclude we cannot consent to the passing the Bills prepared by Your house for the Relief of Prisoners as they now Stand But if your house are inclined to prepare a New bill for the Relief of all Prisoners for Debt, which may be a standing Generall rule for the future and not Sur- p. 232 prize either Creditor or Debtor We shall be ready to Concur in any proper Measures for that purpose

Signed p order John Ross Cl. Up. Ho.

The following Message being prepared is sent to the lower House by Philip Lee Esq^r

U. H. J. By the Upper house of Assembly 5th August 1732

Gentlemen

His Excellency the Governor in a paper directed to this house having recommended an Amendment to the Act for Regulating the Militia in this Province & likewise that some Care should be taken for cleaning & preserving the Arms & other Utensils of Warr lodged in the severall Counties which cannot be Effectually done but by an Act of Assembly for that purpose, We therefore propose that a short Bill be prepared empowering the Captain Lieutenant & Ensign or any two of them to impose & Levy fines on any of the Souldiers not performing their Duty; This being the Defect complayned of in the Militia Law, and for raising the three pence $\text{p}^{\text{hh}^{\text{d}}}$ on Tobacco for furnishing Arms & Ammunition in this Province part of which may be Applied towards Cleansing & preserving the Arms &c in the severall Countys and the remaining part to such other uses as shall be thought necessary for the Common Safety with which if your House Concurs a bill may be prepared accordingly.

Signed p^{Order} John Ross Cl. Up. Ho.

Read the second time the bill Entituled an Act for the Assesment of so much Tobacco on the Inhabitants of S^t Paul's parish in Prince Georges County &c ordered to be thus Endorsed [See Lower House Proceedings.]

By the [Lower] House of Assembly 5th August 1732

May it please Your Honours.

This House hath considered the Amendments proposed by your
 p. 233 Honours to the Paper Currency Bill and cannot agree that the Governor or President for the time being shall Appoint the Com^{rs} or Trustees because that in all Acts of Parliament concerning Money wherein Com^{rs} are Necessary to put the Acts in Execution they (the Com^{rs}) are always inserted in the Acts & never Appointed by the King And in the Acts for Emitting Bills of Credit in our Neighbouring Colonies the same method is observed; besides as the publick faith of this Province is engaged to Support the Bills of Credit This house beleives it would be more Agreeable to his Excellency that the Com^{rs} or Trustees should be named by both houses than by himselfe in regard that no branch of Prerogative is thereby infringed and that his Excellency will be intirely Clear of any Imputation of Appointing unfit persons for so Important a Trust in Case any Mismanagement or Corruption should happen.

This House Agrees that all his Lordships rents of any kind & Alineation fines be excepted but conceives that it would be hard that fines & forfeitures for breaches of the Peace or any Penal Laws should not be discharged in Bills of Credit, and therefore proposes that the Provisoe be restrained to Rents of all kinds & alineation fines the Duties on Tobacco & Tonage being already Excepted

This house cannot agree to the provisoe prepared by Your Honours U. H. J. that the Act shall not be put in Execution till his Lordships Approbation thereof be published but propose that instead thereof the time be lengthened to Eighteen Months after the end of this Session, before the Act be put in Execution which this House conceives will be a Sufficient time for his Lordship to Consider it

This House proposes Eighteen Month[s] the rather because the Right Honoble his Lordships Grand father in Sept^r 1681 promised & Engaged to the then Assembly that during his Lordships Absence out of this Province; his Lordship would signifie his Assent or Discent to any Laws within Eighteen months after passing them here as Appears by the journal of the Assembly then held

As to the other Amendm^{ts} proposed by Your Honours this house agrees to them

Signed p order M Macnemara Cl. Lo. Ho.

Philemon Lloyd Esq^r from the Conference of both houses Ap- p. 234 pointed in Relation to a bill for Regulating officers fees makes the following Report

At a Conference held at the house of M^r George Neilson in Annapolis 5th August 1732

Present

The Hono ^{ble}	{ Philemon Lloyd Esq ^r Col. Matt. Tilghman Ward Michael Howard Esq ^r	} of the Upper House
John Beal Esq ^r M ^r Joshua George M ^r Philip Hammond	M ^r William Hemsley M ^r Walter Smith	} of the Lower House

Your Conferees having taken into Consideration the Subject matter of the Conference, to wit, the Regulation of Officers fees. The Members from the Lower house being Instructed not to exceed the Regulation made in the Year 1725 To which the Members from the Upper house cannot agree and therefore submit the farther Consideration of this matter to both houses

Will : Hemsley	John Beale	Phil. Lloyd
Walter Smith	Jos : George	M. T. Ward
	Phil : Hammond	M : Howard

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This house met again According to Adjournment
Present as in the Morning

U. H. J. Read the second time the Bill Entituled an Act for Limitation of officers fees ordered to be thus Endorsed.

By the Upper house of Assembly 5th August 1732

Read the second time and will not pass

Signed ꝑ order John Ross Cl. Up. Ho.

Sent by Col. Tilghman

p. 235 An Engrossed bill from the Lower House By M^r Magruder and M^r Sprigg Entituled an Act for the Assessment of so much Tobacco on the Inhabitants of S^t Paul's ꝑish in Prince Georges County as will build them a new ꝑish Church & Chappell of Ease thus Subscribed.

August 5th 1732

Read and Assented to by the lower house of Assembly

Signed ꝑ order M. Macnemara Cl. Lo. Ho.

Read and Assented to by this House & ordered to be so Subscribed the Paper bill so Endorsed is sent to the Lower house by George Plater Esq^r

A Bill from the lower house by M^r Hooper & M^r Allen Entituled an Act for laying an Imposition of three pence ꝑ hh^d on all Tob^o to be Exported out of this Province for the time therein mentioned thus Endorsed.

By the Lower house of Assembly August 5th 1732

Read the first and second time by an Especial order & will pass

Signed ꝑ order M Macnemara Cl. Lo. Ho.

Read the first & second time in this house & ordered to be thus Endorsed.

By the Upper house of Assembly 5th August 1732

Read the first and second time & will pass the usuall Allowance being made to the several Naval officers for Collecting the Duties herein mentioned

Signed ꝑ order John Ross Cl. Up. Ho.

Sent by George Plater Esq^r

Read the Petition of Charles Slye of S^t Mary's County Gent ordered to be thus Endorsed

By the Upper House of Assembly 5th August 1732

Upon Reading & Considering the within Petition this House is of opinion that the office of an Adjutant is highly Necessary for In-

structing the Militia of this Province in the use of Arms for the U. H. J. Security & Safety thereof We therefore desire Your Concurrence in an allowance to be made to the Petitioner of 40^l Sterl p Ann to be paid out of the three pence p hh^d raised this Session of Assembly

Signed p order John Ross Cl. Up. Ho.

Sent by Benjamin Tasker Esq^r

The Journal of the Committee of Accounts being read is ordered to be thus Subscribed.

By the Upper house of Assembly 5th August 1732

p. 236

Read and Assented to.

Signed p Order John Ross Cl. Up Ho.

Sent by Michael Howard Esq^r

A Bill from the lower House by M^r Beale & M^r George Entituled an Act empowering a Committee to lay Assess and Apportion the publick Levy for this present Year. one Thousand Seven hundred and Thirty two thus Endorsed

By the lower house of Assembly 5th August 1732

Read the first and second time by an Especial order and will pass

Signed p order Macnemara Cl. Lo. Ho.

Read in this house & ordered to be thus Endorsed

By the Upper house of Assembly 5th August 1732

Read the first & second time by an Especial order & with the following Amendments will pass; after the words the same, the following words be inserted at the end of the first side; that the Honoble Charles Calvert Philemon Lloyd Benjamin Tasker Philip Lee & George Plater Esq^{rs}

Signed p order John Ross Cl. Up. Ho.

Sent by Col Ward.

An Engrossed bill from the lower house by M^r Blackiston and M^r Nedels Entituled an Act for laying an Imposition of three pence p hh^d on all Tobacco Exported out of this Province for the uses therein mencōned, thus Subscribed.

5th August 1732

Read & Assented to by the lower house of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

U. H. J. Read & Assented to by this house & ordered to be so Subscribed.
The Paper bill so Endorsed is sent to the lower house by Col Ward
A Bill from the lower house by M^r Taylor & M^r Allen Entituled
an Act for the Continuance of Dorchester County Court thus
Endorsed.

By the lower House of Assembly 5th August 1732
Read the first & second time by an Especial order and will pass.
Signed p order M Macnemara Cl. Lo. Ho.

Read the first time in this house & ordered to lye on the Table
A bill from the lower house by M^r Hemsley & M^r Hall Entituled
An Act for the relief of Alexander Simms & Archibald Johnston
languishing prisoners in St. Marys County Goal, thus Endorsed

p. 237 By the lower house of Assembly 5th August 1732
Read the first & second time by an Especial order & will pass.
Signed p order M Macnemara Cl Lo Ho.

Read in this house and ordered to be thus Endorsed.

By the Upper house of Assembly 5th August 1732
Read the first & second time by an Especial order & will pass.
Signed p order John Ross Cl. Up. Ho.

Sent by George Plater Esq^r
Ordered that the Clerk of this house receive the same fees on all
private Bills passed this Session as are allowed by the lower house
to their Clerk
Adjourned till Monday Morning Eight of the Clock

Aug. 7 Monday Morning 7th August 1732
This house met again According to Adjournment

Present

The Honōble	{ Charles Calvert Esq ^r	Col. John Rider
	{ Philemon Lloyd Esq ^r	Michael Howard Esq ^r
	{ Col Tilghman	George Plater Esq ^r
	{ Benj ^a Tasker Esq ^r	

An Engrossed bill from the Lower house by M^r Sprigg & M^r
Middleton Entituled an Act for laying An Imposition of three pence
p hh^d on all Tobacco to be Exported out of this Province for the
time therein mentioned thus Subscribed.

7th August 1732

U. H. J.

Read and Assented to by the Lower house of Assembly.

Signed p order M. Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed the Paper bill so Endorsed is sent to the lower house by Michael Howard Esq^r

The Money Journal from the lower house by M^r Beale & M^r Ward thus Subscribed.

5th August 1732

Read & Assented to by the lower house of Assembly

Signed p order M Macnemara Cl. Lo. Ho.

Read and Assented to by this house, and ordered to be so Subscribed, Sent by Benjⁿ Tasker Esq^r p. 238

An Engrossed bill from the lower house by M^r Clayton & M^r Allen Entituled an Act empowering a Committee to lay Assess and Apportion the publick Levy for this present Year one Thousand Seven hundred Thirty and two, thus Subscribed

7th August 1732

Read & Assented to by the lower house of Assembly

Signed p Order M. Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed the Paper bill so Endorsed is sent to the Lower house by Michael Howard Esq^r

An Engrossed bill from the lower house by M^r Hooper & M^r Blackiston Entituled an Act for the relief of Alex^r Simms & Archibald Johnston Languishing Prisoners in S^t Marys County Goal thus Endorsed.

7th August 1732

Read & Assented to by the Lower house of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

Read & Assented to by this house & ordered to be so Subscribed, the paper bill so Endorsed is sent to the lower house by Michael Howard Esq^r

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This house met again According to Adjournment
Present as in the Morning

U. H. J. The following Message being prepared is sent to the lower house by Philemon Lloyd Esq^r & Col Tilghman

By the Upper house of Assembly 7th August 1732

Gentlemen

This house having considered your Message by M^r Ward & M^r Blackiston in Relation to Amendments proposed to the Paper Currency bill do Agree that the Provisoe to be Added thereto be restrained to rents of all kinds & to Alineation fines due to his Lordship, but that all fines and forfeitures for breach of the Peace or any penal Laws be Discharged in bills of Credit

p. 239 But as to the other Amendments relating to the Governors Nomination of Comm^{rs} & the time of puting this Act in Execution, this House does not think it proper to recede therefrom for the reasons following, First, because An Act of the same Nature & Import with this passed both Houses last Session of Assembly, in which the Governor or the president for the time being are allowed the Nomination of the Comm^{rs}, and therefore We are of opinion that the Gov^r will very Justly think himselfe Slighted by such a Discrimination made in Twelve Months time; and may therefore refuse his Assent to the Act, and more Especially seeing that His Excellency hath Conceded in every thing of Importance that hath been proposed at this Session

Secondly that the Governor (as we are convinced from a Royal Instruction from the late King George) will not think it consistent with his Duty to his Majestie nor the Lord Prop^{ry} that an Act should be passed here in the face of a positive Instruction without such Restriction as may Give his Lordship an Oppertunity of Informing himselfe of his Majesties Royal pleasure therein.

For which reasons this house proposeth that both Houses joyn in Address to his Lordship Intreating his best Endeavours for obtaining his Majesties Royal approbation of an Act which we conceive to be of very great use and Mutual Advantage both to the Lord Proprietary himselfe & the People of this Province in which we are very well Assured the Gov^r will Contribute his good Offices for affecting the same

Signed p order John Ross Cl. Up. Ho.

Read the second time the bill Entituled an Act for Continuance of Dorchester County Court, ordered to be thus Endorsed.

By the Upper house of Assembly 7th August 1732

Read the second time & will not pass.

Signed p order John Ross Cl. Up. Ho.

Sent by George Plater Esq^r

U. H. J.

A Message from the lower House by M^r Dulany and three more
with the Paper Currency Bill

By the lower House of Assembly 7th August 1732

p. 240

May it please Your Honours.

We have agreed to the Amendm^{ts} proposed by your Honours to the bill for emitting 72000£ in Bills of Credit Except what relates to the nomination of the Comm^{rs} or Trustees to put the Act in Execution by the Governor or President; which we cannot Agree to, not from the least Disrespect for the Gov^r for whom we have the most Dutifull regard, or Intention to Slight him, but merely because we are well Assured of our own Right, and the Regularity of the Comm^{rs} or Trustees being nominated by the Assembly in a Money Bill like this, which the Country is obliged to Support at all Events, and should this house give up a Right so well known, upon a Single Instance passed Sub Silentio (for ought appears) We know not how far it may be drawn into Example to the Prejudice of the People we represent which our Duty & Interest obliges us to guard Against with the greatest Care, and therefore we hope and Desire your Honours will pass the Bill as herein proposed leaving the nomination of the Commissioners or Trustees in the Assembly and inserting their names in the Bill

Signed p order M Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight of the Clock

Tuesday Morning 8th August 1732

Aug. 8

This house met again According to Adjournment

Present as Yesterday

Adjourned till Two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning

The following Message being prepared is sent to the Lower house
by Michael Howard & George Plater Esq^{rs}

By the Upper house of Assembly 8th August 1732

Gentlemen

We are very sorry to find by Your last Message by M^r Dulany
and three others that our Insisting upon Such a Clause in the bill p. 241

U. H. J. as may empower the Governor or President of the Council for the time being to Nominate Comm^{rs} to put the Act in Execution should prove the only obstruction in your House to the passing bill for emitting 72000£ in Bills of Credit; which is allowed by a Majority Among your selves to be of the Greatest Consequence to the Commonwealth of this Province; as well by encreasing the Trade & Navigation thereof as by taking great numbers of People off from Manufacturing Tobacco

You say Gentlemen that it is not from any Disrespect to the Gov^r for whom you have the utmost Regard imaginable but from an Opinion of a right lodged in the Assembly of nominating Comm^{rs} or Trustees to a Money bill of the nature of this now depending, and that you are unwilling any Act passed Sub silentio as you seem to suggest the former Paper Money Act did, should be drawn into a president to the prejudice of the People: The force of your reasoning therefore (as we conceive) against our Amendment Subsists principally on the Nature & Quality of the Bill as it is of the nature of Money Bills, We must take the Liberty to Distinguish unto you upon the nature of this & other money Bills raising money to be Collected for the Support of Government and other publick uses & Conveniencys; for this bill cannot properly be said to be of the Nature of those which are Enacted for raising and Levying Moneys & for laying Duties & other Impositions upon Merchandize, but rather a bill for Establishing a Mint or Manner of Coinage for Emitting Paper Money

But were it otherwise instances are not wanting wherein Powers have been given to the King of nominating Comm^{rs} even in the Case of raising and Collecting Moneys to the most publick uses whatsoever such as the Carrying on a War for the Defence & Safety of the Nation, as by the Act of 5th & 6th William & Mary & in other Acts of the like nature as well as in Acts of Parliament relating entirely to the use & benefitt of the Subject, as in the Acts for regulating and Licensing Hackney Coaches and in that for the better
 p. 242 Admeasurement of Keel and Keel Boats in both which Acts as in many other of the like kind the Parliament in all these Cases thought it most Consistant with the due Execution of the Acts themselves that the King should have the Nomination of the Comm^{rs} as may be seen likewise in 5th & 6th W^m & Mary & 6th & 7th King William from whence we conclude that the Rights of your house will not be in the Least infringed nor the People prejudiced in their Libertys by your Complying with the Amendment proposed.

Nor do we conceive that the Obligation the Country may lay under of Supporting the Act at all Events doth in Anyways alter the Nature of the thing for the Event or Success thereof so far as

related to the Nomination of Comm^{rs} (as we conceive) doth not U. H. J. consist in the manner of Appointm^t so much as the due Qualification & fitness of the persons Appointed to the Office

We therefore propose it to your farther Consideration whether the Gov^r be not as duely & Aptly Qualified to the Nomination of Commissioners or Trustees for the due Execution of the Act in the first instance thereof, as he will be in the Secondary nomination upon the Death or removeall of any or every of the Comm^{rs} after such Appointment or Nomination, and therefore hope you'l Agree to the Amendm^t

Signed 7 Order John Ross Cl. Up. Ho.

M^r Beale and M^r Sprigg from the Lower House Acquaint his Excellency that their House hath no Business before them

Philemon Lloyd Esq^r is sent to the lower House to Acquaint the Speaker and the whole House that his Excellency requires their Attendance in the Upper House to see the Laws passed this Session, receive the Assent

The whole House attend & by their Speaker present to his Excellency the following Laws

(The Act Entituled an Act to prevent Bribery & Corruption in the Election of Citizens or Delegates to Serve in Assembly for the City of Annapolis; An Act for Ascertaining the form of the Oath of Judge or Justice; An Act¹ for the Tryal of all matters of fact in the severall Counties where they have Arisen or shall Arise, the Continuance of Causes in the Provinciaall Court and Adjournment of that Court; An Act for laying an Imposition on Tobacco by the Hogshead for Support of Government and for payment of his Lordships Quitt Rents and Alineation fines for the time therein mentioned; An Act for the Continuance of S^t Mary's County Court; Baltemore County Court and Talbott County Court from the first Tuesday of August untill the first Tuesday in November next and for the farther Continuance of Causes in the said Courts, which were Signed and Assented to before) which his Excellency the Governor Signed and Assented to on behalfe of the Right Honourable the Lord Proprietary of this Province, and Sealed with His Lordships Great Seale at Arms the Titles of which Laws are as follows, Viz.

Chapters I,
IV, V, XIII,
XXXIV
p. 243

An Act for Relief of Ann Osborn of S^t Mary's County

Chap. II
" III

An Act to Prohibit raising of Swine Sheep & Geese in the Town of Chester in Kent County.

An Act for the Erecting a Town on the South side of Chester River in Queen Anns County, for laying in Lotts Sixty Acres of Land at

" VI

¹ Continued by 1736, ch. 22 and expired in 1740.

- U. H. J. the mouth of the South East branch on the South side thereof on a point of Land known by the name of Hawkins's Prize house point
- Chap. VII An Act for the Naturalization of Onorio Rasolini of Annapolis
- " VIII An Act ¹ to prevent Cutting up Tobacco plants destroying of Tobacco and Tobacco houses & for Ascertaining the punishm^t of Criminals Guilty of the said Offences
- " IX An Act ² for Reviving an Act for destroying of Bears in Somerset County
- " X An Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain & Sale from Benoni Fanning & Hannah his wife to John Contee and to make the same Deed Valid
- " XI A Supplementary Act ³ to the Act Entitled an Act To Encourage
p. 244 the making of Linnen Cloth within this Province of Flax or Hemp of the Growth thereof
- " XII An Act for the Assesment of one hundred Thousand pounds of Tobacco on the Taxable Inhabitants of Christ Church parish in Calvert County for the building a Church and Vestry Room & for the purchasing Two Acres of Land.
- " XIV An Act ⁴ for Erecting a Town on a Creek Divided on the East from the Town lately laid out in Baltimore County called Baltimore Town on the Land whereon Edward Fell keeps Store.
- " XV An Act for Erecting a Town at the head of Wicocomoco River in Somerset County for laying into Lotts fifteen Acres of Land in the fork thereof and at the Landing commonly now called Handy's or Carrs Landing.
- " XVI An Act ⁵ to Repeal an Act Entitled an Act for the Relief of the Devises of James Philipps the Elder and Anthony Philipps late of Baltimore County Decēd.
- " XVII An Act to Encourage Adventurers in Iron Works
- " XVIII An Act for the Erecting a Town in Queen Anns County on Chester River opposite to Chester Town in Kent County on the Land possessed by John Dempster
- " XIX An Act to prohibit raising Swine in Upper Marlborough Town in Prince Georges County
- " XX An Act ⁶ Reviving and Continuing an Act of Assembly of this Province Entitled an Act for the better Relief of Poor Debtors
- " XXI An Act for laying out a New fifteen Acres of Land part of the one hundred Acres of Land formerly Erected into a Town commonly called Benedict Leonard Town upon Patuxent River in

¹ Continued by 1736, ch. 5 and 1740, ch. 5; expired in 1744.

² Revives 1728, ch. 12.

³ Supplements 1731, ch. 3.

⁴ Incorporated with Baltimore Town by 1745, ch. 9.

⁵ 1724, ch. 15.

⁶ Continues 1722, ch. 13.

Charles County besides the Lotts which have been already taken up U. H. J. pursuant to the Directions of former Laws and to restrain the Inhabitants from keeping any Stock, except within their Inclosures in the s^d Town

A Supplementary Act ¹ to the Act for Stay of Execution after the Chap. XXII Tenth of May.

An Act Repealing part of An Act Entituled an Act Laying an “ XXIII Imposition on Negroes and on Several Sorts of Liquor imported p. 245 and also on Irish Servants to prevent the Importing to[o] great a Number of Irish Papists into this Province

An Act for the Erecting a Town at the Bridge near the head of Chap. XXIV Great Choptank River in Dorchester and Queen Ann Counties.

An Act ascertaining the Gauge and Tare of Tobacco hh^{ds} “ XXV

An Act ² to Explain part of An Act Entituled an Act for the Ad- “ XXVI vancement of Justice

An Act ³ for the Speedy Recovery of Small Debts out of Court “ XXVII before a Single Justice of the Peace

An Act for the Assesment of Sixty Thousand pounds of To- Chap. XXVIII bacco on the Taxable Inhabitants of Durham parish in Charles County for the building a Church.

An Act for the Assesment of so much Tobacco on the Inhabitants Chap. XXIX of S^t Paul's parish in Prince Georges County as will build them a New parish Church & Chappel of Ease.

An Act ⁴ for Raising a Duty of three pence ꝑ hh^d on all Tobacco “ XXX Exported out of this Province for the uses therein mentioned

An Act for laying an Imposition of three pence ꝑ hh^d on all “ XXXI Tobacco to be Exported out of this Province for the time therein mentioned

An Act for the Relief of Alexander Simms & Archibald Johnson “ XXXII languishing Prisoners in S^t Marys County Goal

An Act empowering a Committee to Lay Assess and Apportion Chap. XXXIII the publick Levy for this present Year one Thousand Seven hundred & Thirty Two

After which His Excellency is pleased to Conclude this Session in the following Manner

Gentlemen

The publick Business of this Session being at an End I with the Advice of his Lordships Council of State do prorogue this Assembly

¹ Supplements 1715, ch. 33.

² Explains 1723, ch. 12.

³ Continued by 1736, ch. 1; 1742, ch. 2, and 1746, ch. 6; expired in 1750.

⁴ Continued by 1733, ch. 11 and 1736, ch. 2; expired in 1739.

U. H. J. to the last Tuesday of November next; And you are to take Notice,
You are prorogued to that day accordingly.

p. 246 Thus endeth the first Session of the General Assembly of this
Province begun and held at the City of Annapolis the Eleventh Day
of July 1732 and Ending the Eighth day of August following in the
Sixth Year of the Reign of our Sovereign Lord George the Second
and in the Eighteenth Year of His Lordships Dominion

Jn^o Ross Cl.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

Maryland ss :

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the Eleventh day of July Anno Domini 1732 And in the Eighteenth year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. appeared in the Lower House of Assembly, (His Excellency Samuel Ogle Esq^r being Governour) The Several Members following Viz.

L. H. J.
No. 45
p. 360
July 11

For Saint Mary's Co^{ty}

Capⁿ Thomas Waughop
M^r John Read
M^r Justinian Jordan
Capⁿ Richard Hopewell

For Cecil County

Coll^o Eph^m Augⁿ Herman
M^r Joshua George
Coll^o John Ward
M^r Joseph Wood

For Kent County

Capⁿ Ebenezer Blackistone
M^r George Willson
M^r Mathew Howard
M^r Christopher Hall

For Baltemore County

M^r Roger Mathews
M^r Daniel Scott
M^r William Hamilton
M^r Thomas Sheredine

For Ann arund^{ll} Co^{ty}

John Beale Esq^r
Dan^l Dulany Esq^r
M^r Phillip Hammond
M^r Richard Warfield

For Prince Georges County

M^r John Magruder
M^r Ralph Crabb
Coll^o Joseph Belt
Maj^r Edward Sprigg.

For Calvert County

Coll^o John Mackall
M^r Benj^a Mackall
M^r Walter Smith
Maj^r Adderton Skinner

For Charles County

M^r John Courts
M^r Will^m Middleton
Coll^o Robert Hanson

For Talbot County

M^r Nicholas Goldsborough
M^r John Edmundson
M^r Edward Needles
M^r Perry Benson

For Somerset County

Coll^o Levin Gale
M^r Francis Allen

For Dorchester County

Capⁿ Henry Hooper
M^r Thomas Woolford

For the City of Annapolis

M^r William Cumming
Capⁿ Robert Gordon

For Queen Anns County

Capⁿ Edward Wright
M^r William Hemsley
M^r Solomon Clayton

L. H. J. Coll^o Tilghman Coll^o Ward from the Upper House and M^r John
p. 361 Ross Clerk of the Council Came into the Stadt House in whose
presence the said Members of the Lower House took the Oaths of
Allegiance Abhorrence and Abjuration to his Present Majesty King
George the Second repeated the Test and Signed the said Oaths and
Test.

Soon afterwards Came John Hall and John Rousby Esq^{rs} from the
Upper House and Informed the said Representatives that the Gov-
ernour required their Immediate Attendance in the Council Chamber,
Who thereupon went, and were required by the Governour to return
to their House and Choose a Speaker. They returned to the Lower
House and Unanimously Chose Coll^o John Mackall a Member re-
turned to Serve for Calvert County to be their Speaker.

M^r Beale and M^r Crabb were ordered to Acquaint his Excellency
the Governour that they had made Choice of a Speaker, Who return
and say they Delivered their Message.

Benjamin Tasker & Phillip Lee Esq^{rs} from the Upper House
acquaint this House that his Excellency the Governour requires their
Immediate Attendance in the Council Chamber in Order to present
their Speaker

Whereupon, the Members of this House went to the Upper House
where they Presented to his Excellency the Governour Coll^o John
Mackall as their Speaker who Likewise was pleased to Approve of
the said Speaker and made the following Speech [The text of this
speech is printed at page 370.]

The following Letter Viz^t [See page 370.]

p. 362 M^r Speaker and the rest of the Members of this House returned
where M^r Speaker Assumed the Chair but being Incapable of Pro-
ceeding any further on Business (with Convenience) through the
want of a Clerk made Choice of M^r Michael Macnemara the late
Clerk.

M^r Beale and M^r Warfeild were Ordered to go to the Upper
House to see M^r Macnemara Qualified as Clerk to this House, They
return and Acquaint the House that they saw him Qualified by taking
the Several Oaths to the Government required by Law, repeating the
Test, Sign the said Several Oaths and Test and by taking the Oath
of Office according to the form following Viz.

You Michael Macnemara do Swear that as Clerk to the Lower
House of Assembly you shall true Entries make of all such Matters
& things as by the Honourable Speaker for the time being And that
House shall be to you Directed the Secrets of the said House you shall
not Divulge to the Prejudice of the House or any member thereof but
p. 363 shall in all things as Clerk to the said House well and truly Demean
yourself according to the best of your knowledge So help you God.

The House Adjourns untill to Morrow Morning at Eight of the L. H. J. Clock.

Wednesday Morning July 12th 1732.

July 12

The House met according to Adjournment. The Members were Called and all Present as Yesterday. The proceedings of Yesterday were read

M^r Taylor and M^r Brannock Members returned for Dorchester County appeared in the House this day.

The House proceeded to name the Several Committees & Appointed

M ^r Walter Smith	Coll ^o Rob ^t Hanson	} Committee of Elections and Priviledges
M ^r Ralph Crabb	M ^r Benj ^a Mackall	
Coll ^o Eph ^m Aug ^e Herman	M ^r William Hemsley	

M ^r Dulany	M ^r Allen	} Committee of Laws.
M ^r George	M ^r Magruder	
M ^r Gale	M ^r Cumming	
M ^r Hooper	M ^r Hammond	

M ^r Beale	Coll. Ward	} Committee of Accounts
M ^r Gordon	Maj ^r Sprigg	

M ^r Warfeild	M ^r Magruder	} Committee of Aggreivances & Courts of Justice.
Coll ^o Belt	M ^r Hamilton	
M ^r Beale	M ^r Wright	
M ^r Mathews		

Capⁿ William Elliot a Member returned to serve for Queen Anns County appeared in the House this Day.

The Resolves of the House of Delegates made the Ninth day of October one thousand seven hundred and twenty five being read are Unanimously Approved of & Agreed to as the Resolves of this House.

The House Agree to the Rules of the House Observed last Assembly.

Capⁿ Hooper and M^r Hemsley are ordered to go to the Upper House to see M^r Taylor M^r Brannock and Capⁿ Elliott Qualified, They return and say they Delivered the same.

The Question was put that on Each Vote of this House the Names of the Persons that Vote for and Against any Question or Bill be incerted in the Journal in Order for printing Resolved in the Affirmative.

L. H. J.

For the Affirmative

Mr Beale	Cap ⁿ Hopewell	Mr Taylor
Cap ⁿ Sprigg	Cap ⁿ Blackistone	Mr Brannock
Cap ⁿ Hooper	Mr Howard	Mr Woolford
Mr Hammond	Mr Hall	Coll ^o Herman
Mr Needles	Mr Smith	Mr George
Mr Ward	Mr Middleton	Mr Wood
Mr Cumming	Mr Allen	Mr Wright
Mr Willson	Mr Goldsborough	Mr Hemsley
Cap ⁿ Elliot	Mr Edmundson	Mr Clayton
Mr Jordan	Mr Benson	

For the Negative.

Cap ^t Waughop	Mr Courts	Mr Sheredine
Mr Dulany	Mr Hawkins	Mr Magruder
Mr Warfeild	Coll ^o Gale	Mr Crabb
Mr Mackall	Mr Mathews	Coll ^o Belt
Maj ^r Skinner	Mr Scott	Cap ⁿ Gordon.
Coll ^o Hanson	Mr Hamilton	

p. 364 The Committee of Laws are Ordered to Prepare an Address to the Governour on his Speech.

The following Message [The text of this message is printed at page 372.] Sent to the Upper House by Capⁿ Hooper and Mr Goldsborough, Who return and acquaint Mr Speaker they Delivered the Same.

Mr Warfeild is Ordered to Acquaint the Reverend Mr Humphreys to read Divine Service during this Session at Six of the Clock in the Morning and at Six of the Clock in the Afternoon. Who return and acquaint Mr Speaker he Delivered his Message.

George Plater Esq^r from the Upper House Delivered to Mr Speaker the following Message. [The text of this message is printed at page 372.]

The House Continue Mr Jobson in his Office as Serjant at Arms and Mr Adney in his as Door-keeper and appointed Mr Beale to Administer to them the Several Oaths of Government, Who Acquaints Mr Speaker he did Accordingly.

The House Adjourns untill Two of the Clock in the Afternoon.

Wednesday at Two of the Clock in the Afternoon,

The House met according to Adjournment, The Members Called and all present as in the Morning.

A Petition of the Grand Jury of Maryland concerning Deerskins was read & Rejected

A Petition of John Anderson Coroner of Dorchester County was read and the Question thereon put whether the Petition Complaining

of M^r Brannock a Member of this House taken by the Petitioner as L. H. J. Coroner of Dorchester County in Execution by Virtue of a Provincial Capis ad Satisfaciendum and from whom M^r Brannock is therein Alledged to have made his Escape be rejected by this House or not Resolved in the Negative.

Ordered that the aforesaid Petition be heard on Tuesday next and that Summons be Directed to Anthony Lecompte and Philemon Lecompte or Either of them to Summons William Grantham William Seward and John Phillips to Testifie for M^r Brannock

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Thursday Morning July 13th 1732.

July 13

The House met according to Adjournment. The Members were Called & all Present as yesterday, The proceedings of Yesterday were read.

M^r Dulany from the Committee of Laws brings in an Address to the Governour on his Speech which was Approved and Ordered to be Ingrossed.

M^r Edmund Hall a printer in Partnership with M^r Parks is Allowed to print the Votes of this Session for the Usual Allowance

The Committee of Laws are Ordered to prepare a Bill to Ascertain the form of the Oath of Judge or Justice.

A Pacquet Directed to M^r Speaker in which was Inclosed Letters p. 365 for severall Members of this House containing these words Viz.

Query. Whether this Assembly Ought not to be upon its Guard since the Author of the Advertisement about M^r Tittle Tattle hath Sworn he would make the Lower House Drunk.

Q. 2. Whether the Consequence of that would not be to make a new Revenue bill.

Q. 3. Whether the Consequence of that would not be to make more Tobacco.

Q. 4 Whether if my Lord was not paid by a Tax upon Tobacco he would not be willing the people should have a little Money to pay him withall

Q. 5 Whether the late proceedings against the Tobacco Cutters were had more out of regard to the publick peace and the Security of Private property than the Encreasing my Lords Revenue and the Security of Officers fees.

Q. 6 Whether the fate of Maryland doth not Depend upon the wisdom & Integrity of the Lower House of Assembly.

This House Unanimously agrees those Letters are of Pernicious Consequence and that an Address be prepared by M^r Dulany and

L. H. J. Coll^o Gale to the Governour concerning them and that it be an Instruction to them to Desire his Excellency to propose a reward for Discovering the Author.

Mich^l Howard Esq^r from the Upper House Delivered to M^r Speaker a Petition from the Vestry men and Church Wardens of Christ Church Parish in Calvert County Indorsed thus.

By the Upper House of Assembly 13th July 1732

Read & referred to the Consideration of the Lower House of Assembly.

Signed p Order J Ross Cl. Up. Ho.

Coll^o Rider from the Upper House Delivered to M^r Speaker a Petition from Several Inhabitants of S^t Stephen Parish in Cecil County Indorsed thus.

By the Upper House of Assembly 13th July 1732

Read & recommended to the Consideration of the Lower House of Assembly

Signed p Order J Ross Cl. Up. Ho.

Ordered that Thomas Cannors Petition referred for Several Sessions be heard at the Bar this Afternoon.

The House Adjourns untill Two of the Clock in the Afternoon

Thursday Afternoon,

The House met according to Adjournment. The Members were called & all present as in the Morning.

M^r Dulany from the Committee of Laws brought in An Ingrossed Address to the Governours Speech, read the Same in his place and afterwards Delivered it to the Clerk. The Clerk read the same in these words.

To his Excellency Samuel Ogle Esq^r Governor of Maryland. The humble Address of the Lower House of Assembly

May it Please your Excellency

p. 366 We his Majesty's most Dutiful and Loyal Subjects the Representatives of the freemen of Maryland return your Excellency our most humble & hearty thanks for your kind Speech at the Opening of this Session

We are highly Obliged to your Excellency for the Generous Concern you Express for the Calamitous Condition the Country is in, Occasioned as you justly Observe, by the Decay of its Trade & the Lowness of its Staple; And We concur in Opinion with your Excel-

lency that it is an Aggravation to our Misfortunes that honest Men L. H. J. should Entertain a Notion so inconsistent with right reason and their own Safety, as to Imagine that Violence and Popular Tumults should be proper Means to reform what is Amiss or so far Seem to Distract the Legislature, as to think they would leave any thing in their power unattempted that may remove the Misfortunes under which the Country Groans

The prudent and timely Measures your Excellency took to Suppress the late Violent and Tumultuous proceedings and to prevent the fatal Consequences with which they might have been Attended Indicate your Care to preserve our peace and Secure our property and Demand our Sincerest thanks.

As the Lowness of our Staple is the Chief Source of our Calamities, We should fail in Discharging our Duty to the people We represent & our own Posterity, should We Emitt in Endeavouring to raise its Value notwithstanding the Difficulties which have hitherto Attended, or may Attend Attempts of that kind.

As the Revenue bill is of great Consequence to his Lordship and the Country so we shall consider it in the best Manner we are Capable of, in Order to Establish the joynt Interest of both, Upon the best and most Equal foundation.

We are truly Sorry that we could not Learn his Lordships Sentiments concerning the Paper Currency bill it being one of the greatest Misfortunes that a Country can Labour under, to be upon an Incertainty about its Laws; But since that bill is of Such Importance and requires so much Consideration we must Submit to lose the benefit which the Country hoped to Derive from it, the Execution of it should his Lordship Assent to it being now Impracticable.

We have Perused the Papers sent to your Excellency by the President of New York And shall Consider the most proper Methods we can think of to secure ourselves and our Posterity Against any Designs that may be formed to our prejudice.

We return your Excellency our most Sincere thanks for the repeated Assurances you have been pleased to give us of your Concurrence and Assistance in releiving the Country from its present Distresses, doing every thing in your power to Serve it & representing faithfully to the Lord Proprietary every thing that may be for thure Interest of it; These Assurances from a Governour who has hitherto shewn all the Possible regard to the peace and Security of the people and great Tenderness even to such as had by their folly rendered themselves obnoxious to punishment Afford us a Pleasing Prospect, of Deriving lasting Advantages from your Administration, and are very strong Motives to Excite us to Unanimity, and vigour, in the faithful Discharge of our Duty to our Country.

L. H. J. The Same was Approved of.

Mr Dulany and Coll^o Hanson are sent to the Governour to Acquaint him this house hath Prepared an Address to his Excellency, And Desireth to know when and where he will receive the same.

p. 367 The Petition of Thomas Canner coming to be heard at the Bar of this House this Afternoon, Capⁿ Hooper a Member of this House being related to parties Concerned with leave Withdrew.

The Petition of Thomas Canner read & rejected.

Mr Dulany and Maj^r Hanson return and Acquaint Mr Speaker that the Governour was ready to receive the Address in the Council Chamber Immediately.

Mr Dulany and Twelve more are sent with the Address. They return and acquaint Mr Speaker they Delivered the same.

The Petition of Rector Vestrymen and Church Wardens of King & Queen Parish in St Marys and Charles County's was read and referred to the Consideration of the next Assembly.

A Petition of Ann Osborn of St Marys County praying Compensation for two Negroes killed Unfortunatly when working on the high ways, was read and Order a bill to be brought in for her releife

A Petition of Alexander Simms of St Marys County praying to be released from Gaol was read & Granted.

A Bill Entituled an Act Ascertainig the form of the Oath of Judge or Justice was brought in from the Committee of Laws by Mr Allen, and was read the first time and Ordered to lye on the Table.

A Petition of Archibald Johnson praying releasement from St Marys County Gaol was read & Granted.

A Petition of Chester Town relating to the Inconvenience of raising hogs in their Town was read and Ordered a bill be brought in for their Releif

A Petition of William Watson of Queen Anns County read and rejected.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

July 14

Friday Morning July 14th 1732.

The House met according to Adjournm^t

The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

Mr Dulany brought in an Address to the Governour concerning so Infamous Libels dispersed, Read it in his place, The Address was Approved & Ordered to be Ingrossed

A Petition of Anthony Parker praying releasement from Charles L. H. J. County Gaol read & Ordered a bill be brought in according to prayer

John Rousby Esq^r from the Upper House Delivered M^r Speaker the Petition of the Vestrymen & Church Wardens of William and Mary's Parish in Charles County. Indorsed thus, [The text of the indorsement is printed at page 375.]

Which Petition was read here and referred to the Consideration of the next Assembly.

The Bill Entituled an Act Ascertaining the form of the Oath of Judge or Justice was read the second time and passed and sent to the Upper House by M^r Beale and Twenty four more, p. 368

They return and Acquaint M^r Speaker they Delivered the same.

M^r Dulany brought in the Address to the Governour concerning the Libells; Ingrossed,

The Address was in these words Viz.

To His Excellency Samuel Ogle Esq^r Governour of Maryland. The humble Address of the Lower House of Assembly.

May it please your Excellency.

It is with the greatest Concern we Acquaint you that some persons We hope and believe very obscure & Inconsiderable ones have presumed to Address a great Number of Infamous & Scandalous Libles (which We have unanimously Voted to be of pernicious Consequences) to Several Members of this House highly reflecting on the Right Honourable the Lord Proprietary your Excellency and the Legislature.

To Insinuate that your Excellency had any Sinister Views in Suppressing the Late Riotous proceedings which had they been Suffered to gone on, would very Probably have compleated the ruin of the Country, is such a Demonstration of the Malice and folly of these Libellers as at once Arises our Indignation and Contempt; And we Embrace this occasion to Assure your Excellency that as We have the most Grateful Sense of your just and prudent Conduct in taking the Early and proper Measures you did to Secure the peace and Property of the People of Maryland, so we have the Greatest Abhorrence and Detestation of any Attempts to Misrepresent you or to Create any jealousy or Difference between your Excellency and the Legislature, And to the End that the Authors of these Libels may be brought to Condign Punishment and others Deterred from such pernicious practices, We request your Excellency to take the most proper and Effectual Measures by Offering a reward or otherwise for the Discovery of them and that M^r Attorney General may have Directions to prosecute them when Discovered according to the Utmost Rigour of the Law.

L. H. J. Coll^o Gale and Capⁿ Hooper are sent to the Governour to know when and where he will receive the Address, They return and Acquaint M^r Speaker they Delivered their Message and that the Governour were now ready to receive the same in the Conference Chamber.

M^r Dulany and Twelve more are sent to present the Address to the Governour.

They return and Acquaint M^r Speaker they Delivered the same.

The Governour sent the following Answer to the Address of Yesterday.

Gentlemen of the Lower House of Assembly

I thank you heartily for your very kind Address, and you may be Assured the Publick good shall always be the rule of my Administration which I wish may prove as Advantageous to the Province as it is my Sincere Intention to make it.

Sam: Ogle

The Question was put that a bill be brought in to Cause the burning all Trashy Tobacco now in the Province

Resolved in the Affirmative.

Affirmative

Read	Mackall	Gale	Belt
Jordan	Smith	Benson	Cumming
Hopewell	Skinner	Scott	Gordon
Beale	Courts	Hamilton	Clayton
Dulany	Middleton	Magruder	Elliott
Warfeild	Hanson	Crabb	
Hammond	Hawkins	Sprigg	

Negative

p. 369

Waughop	Goldsborough	Woolford	Sheredine
Blackston	Edmundson	Herman	Wright
Willson	Needles	George	Hemsley
Howard	Hooper	Ward	
Hall	Taylor	Wood	
Allen	Brannock	Mathews	

The House Adjourns untill Two of the Clock in the Afternoon

Friday Afternoon,

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

The Governour sent the following Answer to the Address of this L. H. J. day Presented viz.

Gentlemen of the Lower House of Assembly.

I am much Obligated to you for your kind Address, and Cannot but take a particular Pleasure in your Approbation of my Conduct in taking the Earliest and most Proper Measures to Secure the Peace & Property of the People of Maryland, and have according to your Desire, Ordered a Proclamation to be Issued proposing a reward of fifty pounds to any Person that shall Discover the Author or Authors of these pernicious Libells, and Upon a Discovery will Order a Prosecution according to Law.

Sam: Ogle

A Bill was brought in Entituled an Act for the Releif of Ann Osborn of St Marys County was read the first time and Ordered to Lye on the Table.

Benjamin Tasker Esq^r from the Upper House Delivered M^r Speaker a Petition of Johannah Hall late Johannah Phillips, Mother and Natural Guardian of James Phillips and Susannah Phillips Infants in behalf of herself and James & Susannah. Indorsed thus,

By the Upper House of Assembly 14th July 1732

Read and recommended to the Consideration of the Lower House of Assembly.

Signed p order J Ross Cl. Up. Ho.

Which Petition was read here and on a full hearing by Council on both sides, leave is given to bring in a bill According to Prayer.

A Bill Entituled an Act to Prohibit raising Swine Sheep and Geese in the town of Chester in Kent County was read the first time and Ordered to lye on the Table.

The House Adjourns untill to Morrow Morning Eight of the Clock

Saturday Morning July 15th 1732.

July 15

The House met according to Adjournment, The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

The Bill Entituled an Act to prohibit raising of Swine &c. Was read the second time and Passed.

The Bill Entituled an Act for the Releif of Ann Osborn of St Marys County was read a second time & Passed.

The Several Petitions of Benony Pardo John Madden and Samuel Steel Languishing Prisoners in Queen Anns County Gaol were read

L. H. J. and Ordered they be incerted in the bill with other Petitioners to this Assembly in the like Circumstances.

M^r Dulany from the Committee of Laws Delivers to M^r Speaker a Bill Entituled an Act for the Tryal of all Matters of fact in the Several Countys where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court, The said bill was read the first time and Ordered to Lye on the Table.

p. 370 M^r Sheredine had leave to be Absent untill Monday.

The House Adjourns untill two of the Clock in the Afternoon.

Saturday Afternoon,

The House met according to Adjournment, The Members were Called & all Present as in the Morning.

A Petition of S^t Stephen's Parish in Cecil County read and referred to the next Assembly

The Bill Entituled an Act prohibiting raising of Swine &c. Sent to the Upper [House] by Capⁿ Blackistone and M^r Hall, they return and Acquaint M^r Speaker they Delivered the same.

The Bill Entituled an Act for the releif of Ann Osborn of S^t Marys County, Sent to the Upper House by Capⁿ Jordan and Capⁿ Hopewell, Who return and say they Delivered the Same.

M^r Magruder M^r Crabb and Capⁿ Sprigg have leave to go home

M^r Taylor hath leave to go home.

Coll^o Ward from the Upper House Delivered to M^r Speaker a Petition of Benjamin Hillyard Indorsed thus.

By the Upper House of Assembly 15th July 1732.

Read and referred to the Consideration of the Lower House of Assembly.

Signed 7 Order. J Ross Cl. Up. Ho.

The House Adjourns untill Monday Morning at Eight of the Clock.

July 17 Monday Morning July 17th 1732.

The House met according to Adjournment

The Members were Called and all Present as on Saturday were read.

The Question was put that the Members of the Lower House be Exempted from Serving as Jurors at the Assize, Resolved in the Negative.

For the Affirmative

L. H. J.

Waughop	Mackall	Hanson	Belt
Jordan	Smith	Hawkins	Hemsley
Hopewell	Skinner	Mathews	Elliott

For the Negative

Read	Warfeild	Benson	Hamilton
Blackistone	Courts	Hooper	Magruder
Willson	Middleton	Brannock	Crabb
Howard	Gale	Woolford	Sprigg
Hall	Allen	Herman	Cumming
Beale	Goldsborough	Ward	Gordon
Dulany	Edmundson	Wood	Wright
Hammond	Needles	Scott	Clayton

M^r Sheredine appeared in the House this Morning.

Coll^o Ward and Michael Howard Esq^r from the Upper House Delivered to M^r Speaker the following Message. [The text of this p. 371 message is printed at page 378.]

The House Adjourns untill two of the Clock in the Afternoon.

Monday Afternoon July 17th 1732.

The House met according to Adjournment, The Members were Called and all Present as in the Morning

The following Message [The text of this message is printed at page 379.] Sent to the Upper House by Coll^o Hanson M^r Hemsley and M^r Allen They acquaint M^r Speaker they Delivered the Same.

A Petition from Kent County Concerning the Importation of Salt from Lisbon into this Province was read and the following Message was Prepared. [The text of this message is printed at page 379.] And sent to the Upper House by Capⁿ Blackiston and M^r Hall Who return & Acquaint M^r Speaker they Delivered the same.

The House Adjourns untill to Morrow Morning at Eight of the Clock.

Tuesday Morning July 18th 1732

July 18
p. 372

The House met according to Adjournment, The Members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

The Petition of Benjamin Hillyard from Prince Georges County Gaol read & Rejected

A Petition of John Baynard and Elizabeth his wife of Queen Anns County Read and leave given to bring in a bill according to petitioners prayer.

L. H. J. Coll^o Ward from the Upper House Delivered to M^r Speaker the following Message with copy of the Oath of Judge or Justice and Copy of the Governours Letter. [The text of this message is printed at page 380.]

Form of an Oath of Judge or Justice [The form of the oath is printed at page 378.]

p. 373 [The speech of Gov. Ogle is printed at page 377.]

Coll^o Tilghman from the Upper House Delivered to M^r Speaker the Petition of Alexander Contee of Prince Georges County Indorsed thus,

By the Upper House of Assembly July 18th 1732.

Read and Recommended to the Consideration of the Lower House of Assembly.

Signed p Order J Ross Cl. Up. Ho.

M^r Contees Petition read here and Granted.

John Hall Esq^r from the Upper House Delivered to M^r Speaker the following Petitions Viz. A Petition of Several Inhabitants of Baltimore County, Also a Petition of Several Inhabitants of Ann Arundell County in Relation to patuxent River Severally Indorsed thus,

By the Upper House of Assembly 18th July 1732.

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order J Ross Cl. Up. Ho.

Which Petitions was read here & Granted

The House Adjourns untill Two of the Clock in the Afternoon.

Tuesday Afternoon,

The House met according to Adjournment, The Members were Called and all Present as in the Morning, M^r Howard Absent through Sickness.

M^r Hammond brings in a bill Entituled an Act to prevent the Exportation of Trashy and unmerchantable Leaf Tobacco.

Philemon Lloyd Esq^r from the Upper House Delivered to M^r Speaker a Petition of the Inhabitants of Queen Anns County Indorsed thus.

By the Upper House of Assembly 18th July 1732

Read and referred to the Consideration of the Lower House of Assembly.

Signed p Order J Ross Cl Up. Ho.

Which Petition was read here & Granted

L. H. J.

The Petition of the free holders and other Inhabitants of Queen Anns County praying a Town to be Erected at Hawkins's point Read & Granted

Michael Howard Esq^r from the Upper House Delivers to M^r Speaker a bill for the Releif of Ann Osborn of St. Mary's County Indorsed thus,

By the Upper House of Assembly 15th July 1732

Read the first time & Ordered to lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 381.]

Which Bill was read here & Passed for Ingrossing

p. 374

George Plater Esq^r from the Upper House Delivers M^r Speaker the bill Entituled an Act to prohibit raising Swine Sheep and Geese in the Town of Chester in Kent County Indorsed thus, [See page 381.]

Which bill was read here and passed for Ingrossing.

The House Adjourns untill to Morrow Morning at Eight of the Clock

Wednesday Morning July 19th 1732

July

The House met according to Adjournment, The Members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

M^r Howard Appeared in the House this Morning.

A Petition of Peter Rambo Prisoner for Debt in Ann arundell County Gaol praying Releasement Read & Granted.

A Petition of Roger Moody Prisoner in Prince Georges County Gaol praying releasement Read & Granted

A Petition of Ninian Mariarte in Prince Georges County Gaol praying releasement Read & Granted.

A Petition of John Sitton Black-smith from Prince Georges County Gaol Read & Granted

A Petition of Nehemiah Ogden of Prince Georges County praying releasement from Gaol read & Granted

The following Message [The text of this message is printed at page 382.] Sent to the Upper House by M^r Crabb and Coll. Hanson, They return and Acquaint M^r Speaker they Delivered the same.

M^r Taylor Appeared in the House this day.

The Bill Entituled an Act to prevent the Exportation of Trashy & Unmerchantable Tobacco was read the first time & the Question

L. H. J. was Put whether the said Bill shall have a second reading at all or Not Resolved in the Negative

For the Affirmative

Read	Mackall	Scott	Cumming
Jordan	Middleton	Hamilton	Gorden
Beale	Hanson	Magruder	Clayton
Dulany	Hawkins	Crabb	
Hammond	Gale	Sprigg	
Warfeild	Benson	Belt	

For the Negative

Waughop	Skinner	Taylor	Mathews
Hopewell	Courts	Brannock	Sheredine
Blackistone	Allen	Woolford	Wright
Willson	Goldsborough	Herman	Hemsley
Howard	Edmondson	George	Elliott
Hall	Needles	Ward	
Smith	Hooper	Wood	

p. 375 Coll^o Herman from the Committee of Elections and Priviledges Delivers M^r Speaker the following report.

By the Committee of Elections & Priviledges 19th July 1732.

Your Committee having Examined the Writts and Indentures of the Several Members returned to serve this Sessions do find.

That M^r Thomas Waughop M^r Justinian Jordan M^r John Read and M^r Richard Hopewell Members returned for S^t Marys County are duly Elected.

That M^r John Courts M^r William Middleton M^r Robert Hanson & M^r Henry Hawkins Members returned for Charles County are duly Elected.

That Coll^o John Mackall M^r Benjamin Mackall M^r Walter Smith and Maj^r Adderton Skinner Members returned for Calvert County are Duly Elected.

That M^r John Magruder M^r Edward Sprigg M^r Ralph Crabb & Coll. Joseph Belt Members returned for Prince Georges County are duly Elected.

That Daniel Dulany Esq^r John Beale Esq^r M^r Phillip Hammond and M^r Richard Warfeild Members returned for Ann arundell County are duly Elected.

That M^r Daniel Scott M^r Thomas Sheredine M^r Will^m Hamilton and M^r Roger Mathews Members returned for Baltimore County are duly Elected.

That M^r Joshua George Coll Eph^m Augustin Herman Coll^o John Ward and M^r Joseph Wood Members returned for Cecil County are Duly Elected.

That M^r Solomon Clayton M^r William Hemsley M^r William L. H. J. Elliot and M^r Edward Wright Sen^r Members returned for Queen Anns County are duly Elected.

That M^r John Edmundson M^r Perry Benson M^r Edward Needles and M^r Nicholas Goldsborough Members returned for Talbot County are Duly Elected.

That M^r Peter Taylor Capⁿ Henry Hooper M^r Thomas Woolford and M^r John Brannock Members returned for Dorchester County are Duly Elected.

That Coll^o Levin Gale M^r Francis Allen, M^r John Caldwell and Capⁿ George Dashiel Members returned for Somerset County are duly Elected.

That M^r William Cumming one of the Members returned for the City of Annapolis is duly Elected.

And your Committee having Examined the Polls taken for Capⁿ Robert Gordon and M^r Vachel Denton Candidates at an Election for the City of Annapolis aforesaid and haveing heard the Allegations of both parties and their Witnesses and Council in Relation to the said Election and also having Considered the Charter of the said City and the Manner of Elections therein Prescribed, We find an Equal Number of Votes on Each Pole taken for the Candidates aforesaid, But for that it Appears to this Committee that the Charter of the said City was not Pursued & the Manner of Elections Observed as therein Directed

Therefore your Committee are of Opinion that the said Capⁿ Robert Gordon is not duly Elected

All which we Submitt to the Consideration of the House

Signed p Order John Gibson Cl. Com.

Coll^o Tilghman Coll^o Ward and Michael Howard Esq^r from the p. 376 Upper House of Assembly Delivered to M^r Speaker the following Message. [The text of this message is printed at page 382.]

The House Concur with the said Report M^r Gordon is Discharged from further Attendance on this House.

Ordered that the Clerk Issue Warrant to the Secretary to Issue a new Writt of Election Directed to the Mayor Recorder and Alderman of the City of Annapolis.

Ordered that no Petition be received after Saturday.

The House Adjourns untill Two of the Clock in the Afternoon.

Wednesday at Two of the Clock in the Afternoon.

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

M^r Smith is Added to the Committee of Accounts.

L. H. J. Michael Howard Esq^r from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 382.]

By the Committee of Elections & Priviledges 19th July 1732

Your Committee having Inspected a Counter part of the Indentures for Capⁿ Ebenezer Blackistone M^r George Willson M^r Mathew Howard and M^r Christopher Hall Members return for Kent County and having received a Certificate from his Excellency the Governour signifying the return of the Original Writ & Indentures which he Delivered to M^r John Ross Clerk of his Lordships Council are of opinion that Notwithstanding the said Writ and Indentures are Causually lost the aforesaid Capⁿ Ebenezer Blackistone M^r George Willson M^r Mathew Howard and M^r Christopher Hall are duly Elected. Which we Submit to the Consideration of the house.

Signed 7 Order John Gibson Cl. Com.

On reading the said Report the House Concurs therewith

Leave given to bring in a bill to Prevent Bribery and Corruption in the Elections for Burgesses

p. 377 The House Adjourns untill to Morrow Morning Eight of the Clock.

July 20

Tuesday Morning July 20th 1732.

The House met according to Adjournment The Members were Called and all present as Yesterday Except M^r Howard, The proceedings of Yesterday were read.

A Bill Entituled an Act to Repeal an Act Entituled an Act for the Releif of the Devises of James Phillips the Elder and Anthony Phillips late of Baltemore County Deceased, Read the first and second time by an Especial Order and passed and to the Upper House by M^r Mathews and M^r Hamilton, They return and Acquaint M^r Speaker they Delivered the same.

A Bill Entituled an Act for Erecting a Town on the south side of Chester River in Queen Anns County and for laying in Lotts Sixty Acres of Land at the mouth of the South East Branch on the south side thereof on a point of Land Known by the name of Hawkin's prize house point, Read the first and second time by Especial Order and passed, And sent to the Upper House by M^r Hemsley and M^r Clayton.

They return and Acquaint M^r Speaker they Delivered the same.

A Petition of Robert Brooks prisoner in Prince Georges County Gaol praying releasement, Read & Granted.

Coll^o Rider from the Upper House Delivered to M^r Speaker the L. H. J.
Petition of the Rector Church Wardens & other Inhabitants of Prince
Georges County Indorsed thus.

By the Upper House of Assembly 20th July 1732

Read and referred to the Consideration of the Lower House of
Assembly.

Signed p^r Order J Ross Cl. Up. Ho.

Which Petition was read here and Granted.

The Bill Entituled an Act for the Tryal of all Matters of fact &c.
Read the first time and passed and sent to the Upper House by M^r
Crabb and Twelve more. They return and Acquaint M^r Speaker
they Delivered the same.

The House Adjourns untill Two of the Clock in the Afternoon.

Thursday afternoon,

The House met according to Adjournment, The Members were
Called & all Present as in the Morning

M^r Beale Absent thro^t Sickness

Capⁿ George Dashiell and M^r John Caldwell Members returned to
serve for Somerset County Appeared in the House this Afternoon

Daniel Sullivan's and Joseph Sedgwicks Petitions from Calvert
County Gaol praying releasement read & Granted.

A Petition of Roger Boyce of Calvert County praying leave to
bring in a Bill to record a Deed from Richard Smith to him read &
Granted

M^r Allen and Capⁿ Hooper were sent to the Upper House to see
Capⁿ Dashiell and M^r Caldwell Qualified, They return and acquaint
M^r Speaker they saw the same done.

The Petition of John Anderson of Dorchester County Coroner
Complaining of M^r John Brannock a Member of this House for p. 378
making an Escape as he therein Alledged from him as one of the
Coroners of Dorchester County to whom a Provincial Ca. Sa was
Directed, On hearing of both Parties at the Bar by Council, The
petition was read and rejected

The House Adjourns untill to Morrow Morning at Eight of the
Clock.

Friday Morning July 21st 1732.

July 21

The House met according to Adjournment.

The Members were Called and all Present as Yesterday.

The proceedings of Yesterday were read.

L. H. J. Mr Howard Appeared in the House this Morning

A Petition of Onorio Rozolini praying leave to bring in a Bill for his Naturalization. Read and leave Given to bring in a Bill accordingly.

A Petition of Thomas Sprigg of Prince Georges County praying leave to bring in a Bill to Empower the Clerk of Prince Georges County to Record a Deed from William Hutchinson and Others to Thomas Sprigg Junior, Read and leave Given to bring in a bill according to prayer.

The Question was put that the house now proceed to take the Revenue bill into Consideration. Resolved in the Negative.

For the Affirmative

Hopewell	Caldwell	Hooper	Ward
Smith	Allen	Taylor	Wright
Gale	Goldsborough	Brannock	Hemsley
Dashiel	Benson	Woolford	Clayton

For the Negative

Waughop	Dulany	Hawkins	Hamilton
Read	Hammond	Edmondson	Sheredine
Jordan	Warfeild	Needles	Magruder
Blackistone	Mackall	Herman	Crabb
Willson	Skinner	George	Sprigg
Howard	Courts	Wood	Belt
Hall	Middleton	Mathews	Cumming
Beale	Hanson	Scott	Elliott

The Petition of Christ Church Parish in Calvert County read and Granted.

Phillip Lee Esq^r from the Upper House Delivered to Mr Speaker the bill Entituled an Act to repeale an Act Entituled an Act for the Releif of the Devisees of James Phillips the Elder &c. Indorsed thus,

By the Upper House of Assembly July 20th 1732.

Read the first time and Ordered to Lye on the Table

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 384.]

A Petition of Several Inhabitants of Somerset County on Wiccomico River Read and Granted.

Mr Crabb's Wife being ill he hath leave to go home.

p. 379 The House Adjourns untill Two of the Clock in the Afternoon.

Friday at Two of the Clock in the Afternoon,

L. H. J.

The House met according to Adjournment. The Members Called and all Present as in the Morning.

The Bill to Prevent Bribery and Corruption in the Election of Delegates to serve in Assembly Ordered to be Amended and is Accordingly Amended and read the second time and Will not pass.

The Question was put Whether a bill be brought in to prevent Bribery and Corruption in the Election of Members to serve in Assembly which past in the Negative.

For bringing in the bill

M ^r Hopewell	M ^r Allen	M ^r George
M ^r Blackistone	M ^r Goldsborough	M ^r Wood
M ^r Dulany	M ^r Needles	M ^r Hamilton
M ^r Smith	M ^r Benson	M ^r Cumming
M ^r Skinner	M ^r Hooper	M ^r Wright
Coll ^o Gale	M ^r Taylor	M ^r Hemsley
M ^r Dashiell	M ^r Woolford	
M ^r Caldwell	M ^r Herman	

Against bringing in the bill

M ^r Waughop	M ^r Warfield	M ^r Scott
M ^r Read	M ^r Middleton	M ^r Sheredine
M ^r Jordan	M ^r Hanson	M ^r Magruder
M ^r Wilson	M ^r Hawkins	M ^r Sprigg
M ^r Howard	M ^r Edmundson	Coll ^o Belt
M ^r Hall	M ^r Brannock	M ^r Clayton
M ^r Beale	Coll ^o Ward	M ^r Elliott
M ^r Hammond	M ^r Mathew	

An Engrost Bill for the Releif of Ann Osborn of S^t Marys County read and Assented to and sent to the Upper House by Capⁿ Thomas Waughop and Capⁿ Richard Hopewell Who return and Acquaint M^r Speaker they Delivered the same.

An Engrost Bill to Prohibit raising Swine Sheep and Geese in the Town of Chester in Kent County read and Assented to and sent to the Upper House by M^r George Willson and M^r Christopher Hall, Who return and say they Delivered the same.

Agreed by the House that a Bill be brought in for Limitation of Officers fees.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the Bill for Erecting a Town on the south side of Chester River in Queen Anns County for laying in Lotts Sixty Acres of Land at the Mouth of the south East Branch on the south Side thereof on a Point

L. H. J. of Land known by the Name of Hawkins's Prize house point thus Endorst,

By the Upper House of Assembly July 20th 1732.

Read the first time and Ordered to lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

p. 380 And thus, [The text of this endorsement is printed at page 385.]
Mathew Tilghman Ward Esq^r from the Upper House Delivers
M^r Speaker two paper Bills Viz. An Act for the Relief of Ann
Osborn of S^t Mary's County And an Act to prohibit raising Swine
Sheep &c. Severally Endorst thus,

By the Upper House of Assembly July 21st 1732

The Engrost Bills whereof this is the originalls is read and As-
sented to by this house

Signed p Order J Ross Cl. Up. Ho.

The House Adjourns untill to Morrow Morning at Eight of the
Clock

July 22

Saturday July 22^d 1732.

The House met according to Adjournment, The Members were
Called and all Present as yesterday, The proceedings of yesterday
were read

M^r Allen a Member of this house hath leave to be Absent untill
Monday

A Petition of Several the Inhabitants of Annapolis was read and
leave given to bring in a bill as prayed.

Richard Tilghman Esq^r from the Upper House Delivered to M^r
Speaker the Petition of Amos Woodward thus Endorst,

By the Upper House of Assembly July 22^d 1732

Read and referred to the Consideration of the Lower House of
Assembly

Signed p Order J Ross Cl. Up. Ho.

Which Petition was read here and Rejected.

The Question was put on the Petition of the Inhabitants of the
City of Annapolis for leave to bring in a bill against Corruption
in the Election of Delegates if the Law should be General or for the
City of Annapolis in Particular, Carried by a Majority for the City
only

Capⁿ Hooper from the Committee of Laws Delivers M^r Speaker L. H. J. a bill for the Assessment of so much Tobacco on the Inhabitants of Christ Church Parish in Calvert County as will build them a new Parish Church, as Also Impowering the Vestrymen and Church Wardens to purchase two Acres of Land next Adjoyning to the one Acre whereon the former Church Stood.

The House Adjourns untill two of the Clock in the Afternoon

Saturday at Two of the Clock in the Afternoon,

The House met according to Adjournment. The Members were Called and all Present as in the Morning.

M^r George from the Committee of Laws Delivers M^r Speaker the bill for Limitation of Officers fees, Was read the first time and Ordered to Lye on the Table.

Which said bill was read the second time by Especial Order and passed and sent to the Upper House by M^r William Hemsley and M^r Thomas Sheredine, They return and say they Delivered the same.

The following Report was brought in by M^r Dulany, Who read the same in his place [The text of this report is printed at page 386.] p. 381

With which Report the House Concur & ordered a Bill be brought in accordingly.

M^r Dulany from the Committee of Laws Delivers M^r Speaker a p. 382 bill for preventing Bribery and Corruption in the Election of Citizens or Delegates to serve in Assembly Read the first and second time by Especial Order and will pass, Sent to the Upper House by M^r Dulany & M^r Cumming, Who return and say they Delivered the same.

The House Adjourns untill Monday Morning at Eight of the Clock.

Monday July the 24th 1732

July 24

The House met according to Adjournment. The Members were Called and all Present as on Saturday Except Coll^o Belt. The proceedings of Saturday were read.

M^r Dulany from the Committee of Laws Delivers M^r Speaker the bill for Ascertaining the form of the Oath of Judge or Justice which was read the first and Second time by Especial Order and will pass, sent to the Upper House by M^r Dulany and Ten more, They return and say they Delivered the same.

Proposed that leave be given to bring in a Bill to prevent Cutting up Tobacco Plants & burning or Destroying Tobacco Houses.

Ordered that M^r Dulany and M^r Cumming prepare and bring in a Bill accordingly.

Philemon Lloyd Esq^r from the Upper House Delivers M^r Speaker the bill for Preventing Bribery and Corruption in the Election of Citizens or Delegates thus Endorst. [See page 387.]

L. H. J. Which said bill was read here and passed for Ingrossing

John Hall & George Plater Esq^r from the Upper House Delivers M^r Speaker the Bill for the Tryall of all Matters of fact in the Several Countys where they have Arisen or shall Arise, the Continuance of Causes in the Provincial Court and Adjournment of that Court thus Endorst,

By the Upper House of Assembly July 20th 1732

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 388.]

p. 383 M^r Dulany from the Committee of Laws Delivers to M^r Speaker a bill for prevent Cutting up Tobacco Plants Destroying Tobacco and Tobacco Houses and for Ascertaining the punishment of Criminals Guilty of the said Offences which was read the first and Second time by Especial Order and will pass, Sent to the Upper House by M^r Phillip Hammond and M^r Thomas Wollford, They Return and say they Delivered the same.

Capⁿ Justinian Jordan hath leave of the House to go home

The House Adjourns untill Two of the Clock in the Afternoon.

Monday at Two of the Clock in the Afternoon,

The House met according to Adjournment, The Members Were Called and all Present as in the Morning Except Capⁿ Justinian Jordan

Coll^o Belt this Afternoon made his Appearance in the House

The Assize bill read and the Amendments proposed by the Upper House Agreed to & passed for Ingrossing.

The Engrossed bill for preventing Bribery & Corruption in the Election of Citizens or Delegates was read and past & Sent to the Upper House by M^r Dulany and M^r Goldsborough They return and say they Delivered the same

M^r Cumming from the Committee of Laws Delivers M^r Speaker a Bill for the Naturalization of Onorio Rozolini of Annapolis, was read the first and second time by Especial Order and Will Pass And sent to the Upper House by M^r Cumming & M^r Howard, They return and say they Delivered the Same,

Mich^l Howard Esq^r from the Upper House Delivered to M^r Speaker the Paper Bill for preventing Bribery and Corruption in the Election of Citizens or Delegates to serve in Assembly for the City of Annapolis thus Endorst.

By the Upper House of Assembly July 24th 1732.

L. H. J.

The Engrost bill whereof this is the Original is read & Assented to by this House

Signed p Order J Ross Cl. Up. Ho.

Capⁿ Hooper from the Committee of Laws Delivers M^r Speaker the bill for the Assessment of One hundred thousand pounds of Tobacco on the Taxable Inhabitants of Christ Church Parish in Calvert County for building a Church and Vestry room and the Purchasing two Acres of Land which was read the first time and Ordered to Lye on the Table.

John Hall & Philemon Lloyd Esq^r from the Upper House Acquaint M^r Speaker that the Governour requires him and the rest of the Members of this House Immediately to Attend him in the Upper House to see the Act for preventing Bribery and Corruption in the Election of Citizens and Delegates to serve in Assembly for the City of Annapolis past into a Law M^r Speaker and the rest of the Members of this House went accordingly and Saw the same done and there after returned, and thereupon M^r Speaker reassumed the Chair

The House Adjourns untill to Morrow Morning at Six of the Clock.

Tuesday Morning July the 25th 1732.

July 25

The House met according to Adjournment

The Members were Called and all Present as Yesterday, The proceedings of yesterday were read.

M^r Crabb made his Appearance this Morning in the house.

The Question was put if the Act for Ascertaining the Gauge & p. 384 Tare of Tobacco Hogsheads & to prevent Cropping & Defacing Tobacco taken on board Ships or Vessells upon freight &c. shall be revised or not, Carried in the Affirmative.

The Question was put whether the aforesaid bill shall be Continued as it now stands or not. Carried in the Negative

Richard Tilghman Esq^r Mathew Tilghman Ward Esq^r Benjamin Tasker Esq^r and Coll^o John Rider from the Upper House Deliver M^r Speaker the bill for Ascertaining the form of the Oath of Judge or Justice thus Endorst.

By the Upper House of Assembly July 24th 1732

Read the first time & Ordered to Lye on the Table.

Signed p Order J Ross Cl Up Ho.

And thus, [See page 390.]

Which bill was read here and passed for Ingrossing

L. H. J. The Question was put if the Application of Twelve pence p Hogshead for the Support of Government shall be Altered Carried in the Negative.

For the Affirmative

M ^r Sprigg	M ^r Hammond	M ^r Willson
M ^r Magruder	M ^r Mackall	M ^r Warfeild
M ^r Hawkins	M ^r Court	M ^r Sheredine
M ^r Mathews	M ^r Hamilton	M ^r Hanson
M ^r George	M ^r Cumming	M ^r Herman
M ^r Middleton		

For the Negative

M ^r Waughop	M ^r Read	M ^r Hopewell
M ^r Blackstone	M ^r Howard	M ^r Hall
M ^r Dulany	M ^r Smith	M ^r Skinner
Coll ^o Gale	M ^r Dashield	M ^r Caldwell
M ^r Allen	M ^r Goldsborough	M ^r Edmundson
M ^r Needles	M ^r Benson	M ^r Hooper
M ^r Brannock	M ^r Woolford	M ^r Ward
M ^r Scott	M ^r Wright	M ^r Hemsley
M ^r Clayton	M ^r Elliott	

The Question was put if the two Shillings p Hogshead for payment of his Lordships Rents & Alienation fines be Continued as formerly, Carried in the Affirmative.

For the Affirmative

Cap ⁿ Hopewell	M ^r Dasheild	M ^r Brannock
Cap ⁿ Blackistone	M ^r Caldwell	M ^r Woolford
M ^r Willson	M ^r Allen	M ^r Ward
M ^r Howard	M ^r Goldsborough	M ^r Scott
M ^r Hall	M ^r Edmundson	M ^r Wright
M ^r Dulany	M ^r Needles	M ^r Hemsley
M ^r Smith	M ^r Benson	M ^r Clayton
M ^r Skinner	Cap ⁿ Hooper	M ^r Elliott
Coll ^o Gale	M ^r Taylor	

For the Negative

M ^r Waughop	M ^r Middleton	M ^r Hamilton
M ^r Read	M ^r Hanson	M ^r Sheredine
M ^r Beale	M ^r Hawkins	M ^r Magruder
M ^r Hammond	Coll ^o Herman	M ^r Crabb
M ^r Warfeild	M ^r George	Maj ^r Sprigg
M ^r Mackall	M ^r Wood	M ^r Cumming
M ^r Courts	M ^r Mathews	

The Question was put Whether the Revenue Bill be Continued for one year or more, Carried by a Majority for one Year only. L. H. J. p. 385

For one Year

M ^r Waughop	M ^r Skinner	M ^r Herman
M ^r Read	M ^r Courts	M ^r George
M ^r Blackistone	M ^r Middleton	M ^r Wood
M ^r Willson	M ^r Hanson	M ^r Mathews
M ^r Howard	M ^r Hawkins	M ^r Hamilton
M ^r Hall	M ^r Allen	M ^r Sheredine
M ^r Beale	M ^r Goldsborough	M ^r Magruder
M ^r Dulany	M ^r Edmundson	M ^r Crabb
M ^r Hammond	M ^r Needles	M ^r Sprigg
M ^r Warfeild	M ^r Benson	M ^r Cuming
M ^r Mackall	M ^r Taylor	M ^r Elliott

For more than one Year

M ^r Hopewell	M ^r Hooper	M ^r Wright
M ^r Smith	M ^r Brannock	M ^r Hemsley
M ^r Gale	M ^r Woolford	M ^r Clayton
M ^r Dashiel	M ^r Ward	
M ^r Caldwell	M ^r Scott	

George Plater Esq^r from the Upper House Delivers to M^r Speaker the bill to prevent Cutting up Tobacco Plants and Distroying Tobacco and Tobacco Houses and for Ascertaining the Punishment of Criminals Guilty of the said Offences thus Endorst.

By the Upper House of Assembly 24th July 1732

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl Up Ho.

And thus, [See page 390.]

Which bill was read here and passed for Ingrossing.

Michael Howard Esq^r from the Upper House Delivered M^r Speaker the bill for the Naturalization of Onorio Rozilini of Annapolis thus Endorst.

By the Upper House of Assembly July 24th 1732

Read the first time and ordered to Lye on the Table

Signed p order J Ross Cl. Up. Ho.

And thus, [See page 390.]

Which bill was read here and passed for Ingrossing

L. H. J. M^r Magruder, M^r George M^r Hammond & Capⁿ Hooper are Ordered to bring in a bill to regulate the Gauge and Tare of Tobacco Hogsheads &c.

The House Adjourns untill Three of the Clock in the Afternoon

Tuesday at Three of the Clock in the Afternoon.

The House met, The Members Called, but few Present

Coll Joseph Belt made his Appearance in the House this Afternoon

p. 386 The House Adjourns untill to Morrow Morning at Six of the Clock

July 26 Wednesday Morning July the 26th 1732

The House met according to Adjournm^t

The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

Coll^o Gale hath leave to go home by reason of his Indisposition.

M^r Cumming from the Committee of Laws Delivered M^r Speaker the Bill for laying out the Town a New Called Marlborough Town in Prince Georges County, And for Ascertaining the bounds thereof

Was read the first and second time and will pass and Sent to the Upper House by M^r Crabb and Coll^o Belt, They return and say they Delivered the same.

M^r Allen from the Committee of Laws delivers M^r Speaker an Act reviving An Act for Destroying Bares in Somerset County was read the first and second time and will pass, Sent to the Upper House by Capⁿ Dashiel & Capⁿ Hopewell, They return and Acquaint M^r Speaker they Delivered the same.

M^r Dulany from the Committee of Laws Delivers M^r Speaker the bill for Ascertaining the form of the Oath of Judge or Justice, was read & Assented to and Sent to the Upper House by M^r Dulany and four more, who return and Acquaint, M^r Speaker they Delivered the same

Robert Gordon Gentleman a Member returned for the City of Annapolis makes his Appearance this Day in the House, Whereupon M^r Speaker Orders M^r Dulany and M^r Hawkins to go with said Gordon to the Upper House to see him Qualified, They return and Acquaint M^r Speaker they Saw him Qualified accordingly.

Capⁿ Hooper from the Committee of Laws Delivers M^r Speaker the Engrost bill for the Erecting a Town on the South side of Chester River in Queen Anns County for laying into Lotts Sixty Acres of Land at the Mouth of the south East Branch on the south side thereof on a point of Land known by the name of Hawkins's prize House point, was read and Assented to and sent to the Upper house by Capⁿ Wright and M^r Hemsley, They return and say they Delivered the same

Benj^a Tasker Esq^r from the Upper House Delivered to M^r Speaker L. H. J. the paper Bill for Ascertaining the form of the Oath of Judge or Justice thus Endorst.

By the Upper House of Assembly July 26th 1732

The Engrost Bill whereof this is the Original is read & Assented to by this House.

Signed p Order J Ross Cl. Up. Ho.

And Likewise two Petitions from the Vestry and others the Inhabitants of Durham Parish severally Indorst thus,

By the Upper House of Assembly July 26th 1732

Read & referred to the Consideration of the Lower House of Assembly.

Signed p Order. J Ross Cl. Up. Ho.

Mich^l Howard Esq^r from the Upper House Delivers M^r Speaker the following Message [The text of this message is printed at p 387 page 392.]

Coll^o Rider from the Upper House Delivers M^r Speaker the following Message [The text of this message is printed at page 392.]

Rich^d Tilghman Esq^r from the Upper House Delivers M^r Speaker the Paper Bill for the Erecting a Town on the South side of Chester River in Queen Anns County for laying in Lotts Sixty Acres of Land at the Mouth of the South East Branch on the south side thereof on a Point of Land known by the Name of Hawkins's Prize House Point thus Endorst,

By the Upper House of Assembly July 26th 1732

The Engrost bill whereof this is the Original is read & Assented to by this House.

Signed p Order. J Ross Cl. Up. Ho.

The following Message being prepared was sent to the Upper House by Mess^{rs} John Beale Joshua George, Phillip Hammond William Hemsley, Ralph Crabb and Walter Smith. [The text of this message is printed at page 392.]

They return and Acquaint M^r Speaker they Delivered the same.

Coll^o Joseph Belt from the Committee of Aggreivances Delivers M^r Speaker the following Report and Rule of Dorchester County Court.

By the Committee of Aggreivances July 26th 1732

p. 388

Your Committee are Informed that the Justices of Dorchester County Court have taken upon themselves to make a Rule of Court to Justifie their Clerk to tax The Sherriffs fees on Execution in the

L. H. J. bills of Costs and to Include the Sherriffs fees for Levying such Executions in the Executions Issue as p Copy of the said Rule of Court Attested by the Clerk with County Seale thereto Affixed appears. Which Acting of the Justices your Committee take to be Very Prejudicial to the parties Executed by such Executions and are of Opinion the same is an Aggreivance. All which is humbly Submitted by your Committee to the house for their Consideration therein.

Signed p Order Rich^d Dorsey Cl. Com.

The Rule of Dorchester County Court.

Dorchester County ss^t

In the Records of the County is thus Contained. At a County Court of the Right Honourable the Lord Proprietary that now is held for Dorchester County at Cambridge in the said County the second Tuesday in August being the thirteenth day of the same month Anno Dom. One thousand seven hundred twenty and Eight before the aforesaid Lord Proprietary his Justices the peace in the County aforesaid to Conserve Assigned of whom were

Present

The Worshipfull	Maj ^r Henry Ennalls	Mr Peter Taylor
	Mr John Rider	Mr Thomas Taylor
	Mr Walter Campbell	&
	Mr Charles Nutter	Mr Tobias Pollard

Ruled by the Court that the Sherriffs fees for Serving and Levying any Attachments or Executions be Charged to the Plaintiff in such Attachments or Execution & that the Clerk do Compute the same in the Plaintiffs bill of Cost together with the Other Costs and that the Clerk Direct the Cryer to Call every Garnishee three times before Judgment be Entered for Condemnation.

In Testimony whereof the seal of the County aforesaid is hereto Affixed by.

Seal of Dorchester
County Court

Cha : Goldsborough Cl.

Which said Report being read the House Concur with the Committee

The House Adjourns untill Two of the Clock in the Afternoon

Wednesday Afternoon,

The House met according to Adjournment. The Members were Called and all Present as in the Morning Except Coll^o Herman who is taken sick

Mr Allen from the Committee of Laws Delivers Mr Speaker the L. H. J. Bill to Empower the Inhabitants of Ann Arundell and Prince Georges p. 389 Countys to make the Main branch of the River Patuxent Navigable Above Queen Anns Town in Prince Georges County aforesaid was read the first and second time by Especial Order and Will Pass.

The Bill Entituled an Act to Impower the Inhabitants of Ann Arundell and Prince Georges Counties to make the Main branch of the River Patuxent Navigable &c. Sent to the Upper House by Mr Beale and Maj^r Sprigg, They return and acquaint Mr Speaker they Delivered the same.

Mr George Mr Cumming and Mr Hemsley are ordered to prepare an Address to the Governour Concerning the Justices of Dorchester County.

Philemon Lloyd Esq^r from the Upper House Delivered to Mr Speaker the following Message. [The text of this message is printed at page 393.]

The Question was put that a Bill be brought in to Emit Paper Currency. Resolved accordingly.

Mr George brought in an Address to the Governour which was read and approved and ordered to be Ingrossed.

Capⁿ Hooper from the Committee of Laws delivered to Mr Speaker a bill Entituled an Act for laying an Imposition on Tobacco by the Hogshead for Support of Government and for Payment of his Lordships Quit Rents and Alienation fines for the term therein Mentioned. Which bill was read the first time & Ordered to lye on the Table.

An Act to Record and Make Valid in Law a Deed of Bargain and Sale from William Winters late of Queen Anns County to Richard Fisher Deceased, Was read the first time & Ordered to Lye on the Table

The Question was put whether the Jurisdiction of the Justices shall be Enlarged in recovery of Small Debts, Carried in the Affirmative

The Question was put if Six hundred pounds of Tobacco or more, Carried Six hundred pounds of Tobacco.

Ordered that Mess^{rs} Joshua George, William Hemsley and Robert Hanson bring in a bill accordingly.

Mr Magruder from the Committee of Laws Delivers Mr Speaker a bill to Ascertain the Gauge and Tare of Tobacco Hogsheads to Prevent Cropping and Defacing Tobacco taken on board ships or Vessells upon freight to prevent false Packing of Tobacco and making Seconds, Was read the first time & Ordered to Lye on the Table.

Capⁿ Hooper from the Committee of Laws Delivers Mr Speaker p. 390 the Engrost Bill for the Tryall of all Matters of fact in the Several Countys where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court

L. H. J. The House Adjourns untill to Morrow Morning at Six of the Clock

July 27

Thursday July the 27th 1732

The House met according to Adjournment The Members were Called and all Present as Yesterday, The Proceedings of Yesterday were read.

The following Message. [The text of this message is printed at page 394.] Was sent to the Upper House by M^r Crabb and M^r Courts, They return and Acquaint M^r Speaker they Delivered the same

A Bill to Enable the Clerk of the Provincial Court or the Clerk of Baltemore County Court to Record a Deed of Bargain & Sale from Benony Fanning and his Wife to John Countee and to make the same Deed Valid, Read the first and second time by Especial Order and will pass. Sent to the Upper House by Capⁿ Dashiell & M^r Middleton, They return and say they Delivered the same.

Benjamin Tasker Esq^r from the Upper House Delivered to M^r Speaker A Bill to Empower the Inhabitants of Ann arundell and Prince Georges Counties to make the Main branch of the River Patuxent Navigable above Queen Ann Town in Prince Georges County, thus Endorst.

By the Upper House of Assembly July 27th 1732

Read the second time and will Pass.

Signed p Order J Ross Cl Up Ho.

Which Bill was read here and passed for Ingrossing.

Mathew Tilghman Ward Esq^r from the Upper House of Assembly Delivers M^r Speaker an Act Reviving an Act for the Destroying Bares in Somerset County thus Endorst,

By the Upper House of Assembly July 26th 1732

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 394.]

p. 391 Which bill was read here and passed for Ingrossing.

M^r Dulany from the Committee of Laws Delivers M^r Speaker a Supplementary bill to the Act Entituled an Act for to Encourage the making of Linnen Cloath within this Province of Flax or Hemp of the Growth thereof, was read the first and Second time by Especial Order and will pass And sent to the Upper House by Capⁿ

Hooper and M^r Needles, They return and say they Delivered the L. H. J. same.

The Bill for laying an Imposition on Tobacco ꝓ the Hogshead for Support of Government and for Payment of his Lordships Quit Rents and Alienation fines for the time therein Mentioned, Read the second time and will pass, Sent to the Upper House by M^r Dulany Capⁿ Hooper M^r Hemsley and M^r Blackistone

They return and say they Delivered the same.

The Question was put if the bill for laying an Imposition on Tobacco by the Hogshead for Support of Government and for payment of his Lordships Quit Rents and Alienation fines for the time therein Mentioned shall pass or not.

Carried in the Affirmative.

For the Affirmative

M ^r Hopewell	M ^r Allen	M ^r Ward
M ^r Blackistone	M ^r Goldsborough	M ^r Scott
M ^r Willson	M ^r Edmundson	M ^r Wright
M ^r Howard	M ^r Needles	M ^r Hemsley
M ^r Hall	M ^r Benson	M ^r Clayton
M ^r Dulany	M ^r Hooper	M ^r Elliott
M ^r Smith	M ^r Taylor	M ^r Gordon
M ^r Dashiel	M ^r Brannock	
M ^r Caldwell	M ^r Woolford	

For the Negative

M ^r Waughop	M ^r Middleton	M ^r Sheredine
M ^r Read	M ^r Hanson	M ^r Magruder
M ^r Beale	M ^r Hawkins	M ^r Crabb
M ^r Hammond	M ^r Herman	M ^r Sprigg
M ^r Warfeild	M ^r George	M ^r Belt
M ^r Mackall	M ^r Wood	M ^r Cumming
M ^r Skinner	M ^r Mathews	
M ^r Courts	M ^r Hamilton	

The House Adjourns untill two of the Clock in the Afternoon.

Thursday at Two of the Clock in the Afternoon,

The House met, The Members Called and all Present as in the Morning.

A Bill to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County to Record a Deed of Bargain and Sale from Benony Fanning to John Contee, Read the first and second time by Especial Order and will pass, And sent to the Upper House by M^r Dashiel & M^r Middleton, They return and Acquaint M^r Speaker they Delivered the same

L. H. J. Philemon Lloyd Esq^r from the Upper House Delivers M^r Speaker
p. 392 the following Message. [The text of this message is printed at
page 395.]

The following Message [The text of this message is printed at
page 396.]

The Engrost Bill for the Tryal of all Matters of fact in the several
Countys where they have Arisen or shall Arise the Continuance of
Causes in the Provincial Court and Adjournment of that Court, was
read and Assented to, And sent to the Upper House by M^r Crabb.
M^r Hemsley M^r Hammond & M^r Dashiel.

They return and say they Delivered the same

The following Address being Prepared was Ordered to be Entred
thus.

To His Excellency Sam^l Ogle Esq^r Governour of Maryland. The
Humble Address of the Lower House of Assembly

May it Please y^r Excell^{cy}

It Appears by a Report made to this House by the Committee of
Aggreivances that they are of Opinion it is an Aggreivance that the
Justices of Dorchester County at their Court held there in August
Court One thousand Seven hundred and twenty Eight took upon
them to make a Rule of Court Wherein Among other things they
ruled that the Sherriffs fees for Serving and Levying any Attach-
ment or Execution should be Charged to the Plaintiff in such At-
tachment or Execution and that the Clerk do Compute the same
in the Plaintiffs bill of Cost together with the other Cost, wherein
this House has Concurred because we Conceive that the said Justices
have Assumed a much greater power than they can derive from any
Law in being in making a rule of Court to bind the property of the
Subject and to Oblige him to pay at All Events what is ever payable,
but where there is an Actual Condemnation or Service of an Execu-
tion and then only for the Sum Condemned upon Attachment or
Levy'd upon Execution, which Arbitrary proceedings may not only
be very Injurjous to all Parties & such as become Special bail but may
be Also of Dangerous Example & Destructive of the Liberty & Prop-
erty of the Subject.

p. 393 May it please Your Excellency It is the Indispensive Duty of us
the Representatives of the People to guard against all Innevation
& Imposition hurtful to those We represent And We Apply to your
Excellency in the present Case Praying that the most Effectual
Measures may be taken to releive such as may have Suffered by the
Execution of the said Arbitrary Rule of Court and to prevent Other
rules of the like Nature being made with the Greatest Assurance of
your doing every thing on this, And all Occasions, to secure all
his Majesty's Subjects under your Government in their Just Rights

Signed by Order of the House ꝓ John Mackall Speaker

Coll^o Hanson and M^r Allen were Desired to Acquaint his Excellency L. H. J. the Governour that this House hath prepared an Address to him, And Desireth to know when and where he will receive the same. Who return and Acquaint M^r Speaker they delivered their Message and that the Governour is ready to receive the same in the Conference Chamber

Was sent to his Excellency the Governour by Coll. Hanson & Eleven more, They return & say they Delivered the same.

The Engrost bill for the Assessment of One hundred thousand pounds of Tob^o on the Taxable Inhabitants of Christ Church Parish in Calvert County for the building a Church and Vestry room, and for purchasing two Acres of Land, was read the first and second time by Especial Order and will pass. Sent to the Upper House by M^r Walter Smith and M^r Skinner They return and say they Delivered the same

The Engrost Bill for the Erecting a town in Queen Anns County on Chester River Opposite to Chester Town in Kent County on the Land Possest by John Demster. Was read the first time and Ordered to Lye on the Table. Which was Afterwards read a second time & will Pass.

Sent to the Upper House by M^r Wright and M^r Blackistone They return and Say they Delivered the Same.

The Bill to Enable the Clerk of Calvert County Court to Record a Deed of Bargain and Sale from Richard Smith to Roger Boyce & to make the same Deed Valid. Was read the first and second time by Especial Order and passed, Sent to the Upper House by M^r Skinner and M^r Wood. They return and Acquaint M^r Speaker they Delivered the Same.

The Bill for Erecting a Town at the head of Wiccomico River in Somerset County for laying into Lotts fifteen Acres of Land in the fork thereof and at the Landing commonly now called Handys or Carrs Landing, Was read the first and second time by Especial order and will pass, Sent to the Upper House by M^r Allen and Capⁿ Hopewell They return and say they Delivered the same.

The Bill for laying out a New fifteen Acres of Land part of the one hundred Acres of Land formerly Erected into a Town commonly called Benedict Leonard Town on Patuxent River in Charles County besides the Lotts which have already been taken up Pursuant to the Directions of former Laws and to restrain the Inhabitants from keeping Any Stock Except within their Inclosures, Was read the first time and Ordered to lye on the Table. p. 394

The Engrost Bill for the Naturalization of Onorio Rozilini of Annapolis, was read and Assented to, And sent to the Upper House by M^r Goldsborough and Capⁿ Blackistone.

They return and say they Delivered the same.

L. H. J. The Engrost Bill to prevent Cutting Tobacco Plants Destroying of Tobacco and Tobacco Houses & for Ascertaining the Punishment of Criminals Guilty of the said Offences, was read & Assented to, And sent to the Upper House by Capⁿ Dashiel & M^r Allen, They return and say they Delivered the same.

The House Adjourns untill to Morrow Morning at Six of the Clock.

July 28

Friday July the 28th 1732.

The House met according to Adjournment. The Members were Called and all present as Yesterday. Except M^r George Willson who went home this Morning The proceedings of Yesterday were read.

M^r Speaker Acquaints the House that his Excellency the Gov^r sent the following Answer to the Address of Yesterday Viz.

Gentlemen of the Lower House of Assembly.

I have read and Considered your Address relating to the Rule made by the Justices of Dorchester County Court for inserting the Sherriffs fees for Serving Executions and Levying Attachments or Executions in the Plaintiffs bill of Cost & will take the most Effectual Measures to releive such as may have Suffered, and to prevent Abuses of the like Nature for the future.

Phillip Lee Esq^r from the Upper House delivers M^r Speaker the Paper bill for the Naturalization of Onorio Rozilini of Annapolis thus Endorst

By the Upper House of Assembly 27th July 1732.

The Engrost Bill whereof this is the Original is read & Assented to.

Signed p Order J Ross Cl. Up. Ho.

The paper bill to prevent Cutting up Tobacco plants Destroying Tob^o and Tobacco Houses & for Ascertaining the punishment of Criminalls Guilty of the said Offences thus Endorst.

By the Upper House of Assembly 27th July 1732

The Engrost bill whereof this is the Original is read & Assented to.

Signed p Order J Ross Cl. Up. Ho.

The paper bill for the Tryal of all Matters of fact in the several Counties where they have Arisen or shall Arise the Continuance of

Causes in the Provincial Court and Adjournment of that Court thus L. H. J. Endorst.

By the Upper House of Assembly 27th July 1732

The Engrost bill whereof this is the Original is read and Assented to.

Signed p Order J Ross Cl. Up. Ho.

Coll^o Hanson M^r Hemsley and M^r George bring in a bill Entituled p. 395
an Act for the speedy recovery of small Debts out of Court before
a Single Justice of the peace.

The Question put Whether the Clause to prevent making Seconds
Stand, Carried in the Affirmative.

The Question put Whether the Penalty for not Cutting up Tobacco
Stalk's shall be 400th or 200th of Tobacco, Carried that it shall
be 200th of Tobacco

The Question was put Whether the former Vote shall be resumed.
Carried in the Negative.

The Question was put Whether the time for Cutting up Tobacco
Stalks shall stand as in the bill for Ascertaining the Gauge and Tare
of Tobacco Hogsheads to prevent Cropping Cutting and Defacing
Tobacco taken board ships or Vessells upon freight to prevent false
packing of Tobacco and making Seconds, was read the second time
and past,

Sent to the Upper House by M^r Taylor and M^r Thomas Sheredine.
They return and say they Delivered the same

Upon Complaint made in this House that Warrants have been
Issued out of the Land Office and Located on Vast Tracts of Land
and so Continued without Execution for a long time whereby People
willing and Desirous to take up Lands have been Debarred from so
doing which has retarded the Settling the back parts of the Province
and Occasioned Several People to Settle in Virginia & Else where
who would have taken up Lands within this Province & Settled
thereon to the great Prejudice of his Lordship and the Country.
M^r Dulany, M^r Hammond, M^r George, M^r Goldsborough M^r Crabb,
M^r Taylor & M^r Allen are Appointed to Inspect into the proceedings
of the Land Office and to call before them such Persons as they shall
think proper and to Call for and Inspect the Records, papers and
proceedings and to Draw an Address to his Excellency the Governour.

The Engrost Bill for reviving an Act for Destroying Bears in
Somerset County was read and Assented to and sent to the Upper
House with the paper bill thereof by M^r Allen and M^r Needles, They
return and say they Delivered the Same

L. H. J. Coll^o Herman from the Committee of Elections & Priviledges Delivers M^r Speaker the following Report.

By the Committee of Elections & Priviledges 28th July 1732

Your Committee having Inspected the Writt & Examined the Indentures of Robert Gordon Esq^r A Member returned for the City of Annapolis do find him duly Elected, Which We Submit to the Consideration of the House.

Signed p Order John Gibson Cl. Com.

The House Concur with the said Report.

p. 396 Resolved that any Members found Absent at any time when the House is called over shall Lose his Days Allowancè unless Excuse made to the Speaker and by him Allowed.

Benj^a Tasker Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled a Supplementary Act to the Act Entituled an Act to Encourage the making of Linen &c. And the bill Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale from Benony Fanning &c. Severally Indorsed thus,

By the Upper House of Assembly 27th July 1732

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 399.]

Which bill severally read here and passed for Ingrossing

A Bill Entituled an Act for the Speedy recovery of small Debts out of Court before a Single Justice of the peace, Read the first time & Ordered to lye on the Table.

The House Adjourns untill two of the Clock in the Afternoon

Friday Afternoon,

The House met according to Adjournment, The Members Called & all Present as in the Morning Except M^r Wright and M^r Mathews

The Bill Entituled an Act for laying out a New fifteen Acres of Land part of one Hundred Acres of Land formerly Erected into a Town commonly called Benedict Leonard Town &c. Read the second time and passed. Sent to the Upper House by Coll^o Hanson and M^r Middleton, They return and Say they Delivered the Same.

p. 397 Coll^o Tilghman from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 399.]

The following Message [The text of this message is printed at page 400.] Sent to the Upper House by M^r Crabb and M^r Read. They return and Say they Delivered the Same.

A Bill Entituled an Act to prohibit raising of Swine in Upper L. H. J. Marlbrô Town in Prince Georges County Read the first and Second time by Especial Order and Passed and sent to the Upper House by M^r Crabb and Coll^o Belt, They return and say they Delivered the same

A Bill Entituled an Act for the Releif of James Gibson Roger Moody, Ninian Mariarte and Henry Odell Languishing Prisoners in Prince Georges County Gaol Joseph Sedgwick and Daniel Sullivan Languishing Prisoners in Calvert County Gaol Patrick Reyley and Anthony Parker Languishing Prisoners in Charles County Gaol, Alexander Simms and Archibald Johnson Languishing Prisoners in St. Marys County Gaol, Samuel Steele John Maddon and Benony Pardo Languishing Prisoners in Queen Anns County Gaol, was read the first and second time by Especial Order and passed, And sent to the Upper House by Coll Belt and three more, They return and say they Delivered the same

A Bill Entituled an Act for Erecting a Town on a Creek Divided on the East from the Town lately laid out in Baltemore County called Baltemore Town on the Land whereon Edward Fell lives read the first and second time by Especial Order and passed and Sent to the Upper House by M^r Scott and M^r Sheredine, They return and say they Delivered the same.

A Bill Entituled an Act for the Continuance of S^t Marys County Court Baltemore County Court and Talbot County Court from the first Tuesday of August to the first Tuesday of November next And for the further Continuance of Causes in the said Courts, Read the first and second time by Especial Order and passed.

An Ingrossed bill Entituled a Supplementary Act to the Act Entituled an Act to Encourage the making of Linnen &c. And an Ingrossed bill Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltemore County Court to Record a Deed of Bargain and sale from Benony Fanning &c. Were severally read & Assented to.

Coll^o Belt and M^r Caldwell are sent to the Upper House with the two last Ingrossed bills and the Paper bills and the Bill Entituled an Act for the Continuance of St. Marys County Court &c. They return and say they Delivered the same. p. 398

The Bill Entituled an Act for the Releif of Robert Brooks Thomas Norton John Sitton and Nehemiah Ogden Languishing Prisoners in the Custody of the Sherrieff of Prince Georges County, And Peter Rambo a Languishing Prisoner in the Custody of the Sherrieff of Ann arundell County, Read the first and second time by Especial Order and passed and sent to the Upper House by M^r Crabb and M^r Warfeild.

They return and say they Delivered the same.

L. H. J. Coll^o Ward from the Upper House Delivered to M^r Speaker a Bill Entituled an Act for the Continuance of St. Marys County Court &c. Indorsed thus.

By the Upper House of Assembly July 28th 1732.

Read the first & Second time by an Especial Order and will pass.

Signed p Order J Ross Cl. Up. Ho.

Which bill was read here and passed for Ingrossing.

John Hall Esq^r from the Upper House Delivered M^r Speaker the Paper bill Entituled a Supplementary Act to the Act Entituled an Act to Encourage the making of Linnen &c.

The paper bill Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltemore County Court to Record Deed of Bargain and sale from Benony Fanning &c. And the paper bill Entituled an Act reviving an Act for Destroying Bears in Somerset County Severally Indorsed thus,

By the Upper House of Assembly July 28th 1732

The Engrossed bill whereof this is the Original is read & Assented to.

Signed p Order J Ross Cl. Up. Ho.

The House Adjourns untill to Morrow Morning at seven of the Clock

July 29 Saturday Morning July 29th 1732.

The House met according to Adjournment.

The Members were Called and all Present as Yesterday, The Proceedings of yesterday were read.

M^r Wright appeared in the House this Morning.

An Ingrossed bill Entituled an Act for the Continuance of St Marys County Court &c. Read & Assented to and sent to the Upper House with the paper bill thereof by M^r Waughop and M^r Benson, They return and say they Delivered the same.

Coll^o Tilghman from the Upper House Delivered to M^r Speaker the Paper bill Entituled an Act for the Continuance of St Mary's County Court &c. Indorsed,

By the Upper House of Assembly July 29th 1732.

The Ingrossed bill whereof this is the Original is read and Assented to.

Signed p Order. J Ross Cl. Up. Ho.

George Plater Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the Assessment of One hun-

dred thousand pounds of Tob^o on the Taxable Inhabitants of Christ Church Parish in Calvert County &c. Indorsed thus,

L. H. J.
p. 399

By the Upper House of Assembly 28th July 1732

Read the first time & Ordered to lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 403.]

Which bill was read here and passed for Ingrossing.

Mich^l Howard Esq^r from the Upper House Delivered to M^r Speaker that the Governour Desires him and the rest of the Members of this House to Attend him in the Upper House to see the Ingrossed bill Entituled an Act for the Continuance of Baltemore County Court &c. passed in a Law. M^r Speaker and the rest of the Members went, Where the Law were Assented to in the Usual manner M^r Speaker and the rest of the Members of this house returned M^r Speaker reassumed the Chair.

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the Erecting a Town at the head of Wiccomico River in Somerset County Indorsed thus.

By the Upper House of Assembly 28th July 1732.

Read the first time and Ordered to lye on the Table.

Signed p Order. J Ross Cl. Up. Ho.

[See page 403.]

Which bill being read here and with the Amendments proposed passed for Ingrossing.

Coll^o Tilghman from the Upper House Delivered M^r Speaker the bill Entituled an Act to Enable the Clerk of Calvert County Court to Record a Deed of Bargain and Sale from Richard Smith to Roger Boyce &c. Indorsed thus,

By the Upper House of Assembly 28th July 1732

Read the first time and Ordered to lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 403.]

Coll^o Ward from the Upper House Delivered to M^r Speaker the bill Entituled an Act for Erecting a Town on a Creek Divided on the East from the Town lately laid out in Baltemore County &c. Indorsed thus,

By the Upper House of Assembly 28th July 1732.

Read the first time & Ordered to lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

L. H. J. And thus, [The text of this endorsement is printed at page 404.]
 p. 400 The House Adjourns untill two of the Clock in the Afternoon.

Saturday Afternoon

The House met according to Adjournment, The Members were Called & all present as in the Morning.

The Bill Entituled an Act for Erecting a Town on a Creek Divided on the East from the Town lately laid out in Baltimore County read and with the Amendments proposed passed for Ingrossing.

M^r Dulany brought in a Bill Entituled an Act to Encourage Adventurers in Iron Works which was read the first and second time by an Especial Order and passed. Sent to the Upper House by M^r Warfeild and M^r Hamilton, They return and say they Delivered the same.

Coll^o Tilghman and George Plater Esq^r from the Upper House Delivered M^r Speaker the bill Entituled an Act for laying an Imposition on Tobacco by the Hogshead for the Support of Government &c^a Indorsed thus.

By the Upper House of Assembly 27th July 1732.

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 404.]

And the following Message. [The text of this message is printed at page 405.]

The Bill Entituled an Act for laying an Imposition on Tobacco by the Hogshead for the Support of Government &c^a Read & passed for Ingrossing.

The House Adjourns untill Monday Morning at Eight of the Clock.

July 31

Monday Morning July 31st 1732.

The House met according to Adjournment

The Members were Called and all present as on Saturday, The proceedings of Saturday were read.

An Ingrossed bill Entituled an Act for the Assessment of one hundred thousand Pounds of Tobacco on the Taxable Inhabitants of Christ Church Parish in Calvert County &c. Was read & Assented to and sent to the Upper House with the paper bill thereof by M^r Smith and Maj^r Skinner they return & Acquaint M^r Speaker they Delivered the Same.

The Bill Entituled an Act for the Speedy recovery of small Debts L. H. J. &c. Read the Second time and passed and sent to the Upper House by M^r Hemsley and M^r Allen.

They return and say they Delivered the same.

Mich^l Howard Esq^r from the Upper House Delivered to M^r p. 401
Speaker the bill Entituled an Act to Encourage Adventureres in Iron Works Indorsed thus.

By the Upper House of Assembly 29th July 1732.

Read the first time and ordered to Lye on the Table.

Signed p order. J Ross Cl. Up. Ho.

And thus, [See page 405.]

Which bill was read here and passed for Ingrossing.

M^r Dulany from the Conference of both Houses appointed relating to paper Currency brings the following Report. [The text of this pp. 402-3 report is printed at page 406.]

A Bill Entituled an Act reviving and Continuing an Act of Assembly of this Province Entituled an Act for the better Releif of poor Debtors, Read the first and Second time by Especial Order and passed. Sent to the Upper House by M^r George and M^r Woolford. They return & say they Delivered the same.

The Question was put Whether Officers fees Levies & Lawyers fees be Discharged at 1^d p pound or 10^s p Cent Resolved they be Discharged if the Inhabitants please at 10^s p Cent.

For the Affirmative

M ^r Hopewell	M ^r Edmundson	M ^r Sheredine
M ^r Blackistone	M ^r Benson	M ^r Magruder
M ^r Hall	M ^r Taylor	M ^r Sprigg
M ^r Beale	M ^r Herman	M ^r Belt
M ^r Dulany	M ^r George	M ^r Cumming
M ^r Warfeild	M ^r Ward	M ^r Gordon
M ^r Middleton	M ^r Wood	M ^r Elliott
M ^r Dashiel	M ^r Scott	
M ^r Goldsborough	M ^r Hamilton	

For the Negative

M ^r Waughop	M ^r Courts	M ^r Brannock
M ^r Read	M ^r Hanson	M ^r Woolford
M ^r Howard	M ^r Hawkins	M ^r Crabb
M ^r Hammond	M ^r Caldwell	M ^r Wright
M ^r Mackall	M ^r Allen	M ^r Hemsley
M ^r Smith	M ^r Needles	M ^r Clayton
M ^r Skinner	M ^r Hooper	

L. H. J. Coll Rider from the Upper House Delivered to M^r Speaker the
 p. 404 Paper bill Entituled an Act for the Assessment of Ten thousand
 pounds of Tobacco on the Taxable Inhabitants of Christ Church
 Parish in Calvert County &c. Indorsed thus,

By the Upper House of Assembly July 31st 1732

The Engrossed bill whereof this is the Original is read and As-
 sented to.

Signed p Order J Ross Cl. Up. Ho.

An Ingrossed bill Entituled an Act for laying an Imposition on
 Tobacco for the Support of Government &c. Was read and the
 Question was put Whether the said Bill be Assented to. Resolved
 in the Affirmative.

For the Affirmative

M ^r Hopewell	M ^r Allen	M ^r Woolford
M ^r Blackistone	M ^r Goldsborough	M ^r Ward
M ^r Howard	M ^r Edmundson	M ^r Scott
M ^r Hall	M ^r Needles	M ^r Wright
M ^r Dulany	M ^r Benson	M ^r Hemsley
M ^r Smith	M ^r Hooper	M ^r Clayton
M ^r Dashiell	M ^r Taylor	M ^r Elliott
M ^r Caldwell	M ^r Brannock	M ^r Gordon

For the Negative

M ^r Waughop	M ^r Middleton	M ^r Sheredine
M ^r Read	M ^r Hanson	M ^r Magruder
M ^r Beale	M ^r Hawkins	M ^r Crabb
M ^r Hammond	M ^r Herman	M ^r Sprigg
M ^r Warfeild	M ^r George	M ^r Belt
M ^r Mackall	M ^r Wood	M ^r Cumming.
M ^r Skinner	M ^r Mathews	
M ^r Courts	M ^r Hamilton	

The Ingrossed bill Entituled an Act for laying an Imposition on
 Tobacco &c. Was Sent to the Upper House with the paper bill by
 M^r Dulany and M^r Allen, They return and say they Delivered the
 same.

The House Adjourns untill Two of the Clock in the Afternoon.

Munday at Two of the Clock in the Afternoon.

The House met the Members called & all Present as in the
 Morning.

Phillip Lee Esq^r from the Upper House Delivered M^r Speaker the
 paper bill Entituled an Act for laying an Imposition on Tobacco &c.
 Indorsed thus,

by the Upper House of Assembly July 31st 1732.

L. H. J.

The Ingrossed bill Whereof this is the Original is read & Assented to

Signed p Order J Ross Cl. Up. Ho.

The following Message [The text of this message is printed at page 409.] Sent to the Upper House by Maj^r Hanson and M^r Caldwell, They return and say they Delivered the same.

An Ingrossed bill Entituled an Act for Erecting a Town on a p. 405 Creek Divided on the East from the Town lately laid out in Baltimore County &c. Read and Assented to, And sent to the Upper House with the Paper bill by M^r Hamilton & M^r Scott.

They return and say they Delivered the Same.

Benjamin Tasker Esq^r from the Upper House Acquaints M^r Speaker that the Gov^r requires him and the rest of the Members of this House Attendance in the Upper house M^r Speaker and the rest of the Members of this House went to the Upper House where the Governour Passed the Ingrossed bill Entituled an Act for Ascertaining the form of the Oath of Judge or Justice, The Ingrossed bill Entituled an Act for the Tryall of all Matters of fact in the Several Countys &c. And the Ingrossed bill Entituled an Act for laying an Imposition &c into Laws in Usual form. M^r Speaker and the rest of the Members returned. M^r Speaker reassumed the Chair.

An Ingrossed bill Entituled an Act for Erecting a Town at the head of Wiccomico River in Somerset County for laying out in Lotts fifteen Acres of Land in the fork thereof and at the Landing commonly now Called Handy's or Carr's Landing was read and Assented to and sent to the Upper House with the Paper bill thereof by M^r Allen & M^r Woolford, Who return & say they Delivered the same.

The Bill Entituled an Act to repeal an Act for the Releif of the Devises of James Phillips the Elder &c. Read and passed for Ingrossing.

Coll^o Ward from the Upper House Delivered M^r Speaker the following Message [The text of this message is printed at page 411.]

The Question was put that the House Agree to the aforesaid Message, Resolved in the Affirmative

The following Message [The text of this message is printed at page 411.] Sent to the Upper House by M^r Beale and M^r Courts

They return and say they Delivered the same.

Coll^o Tilghman from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the Releif of Robert Brooks &c. And

I. H. J. the bill Entituled an Act for the Releif of James Gibson &c. Severally Indorsed thus,

p. 406

By the Upper House of Assembly July 28th 1732

Read the first time and ordered to lye on the Table.

Signed p order. J Ross Cl. Up. Ho.

And thus, [See page 410.]

John Hall Esq^r from the Upper House Delivered M^r Speaker the Paper bill Entituled an Act for Erecting a Town on a Creek Divided from the East from the Town lately laid out in Baltemore County &c. And the Paper bill Entituled an Act for Erecting a Town at the head of Wiccomico River &c. Severally Indorsed thus,

By the Upper House of Assembly 31st July 1732.

The Engrossed bill whereof this is the Original is read and Assented to.

Signed p Order. J Ross Cl. Up. Ho.

The House Adjourns untill to Morrow Morning at Seven of the Clock.

Aug. 1

Tuesday Morning August the 1st 1732.

The House met According to Adjournment.

The Members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

The following Message. [The text of this message is printed at page 412.] Sent to the Upper House with the Paper Bill Entituled An Act for the Releif of James Gibson, And the bill Entituled an Act for the Releif of Robert Brooks &c. By M^r Crabb and Twelve more, They return and say they Delivered the same.

A Bill Entituled a Supplementary Act to the Act for Stay of Executions after the Tenth of May, Read the first time and Ordered to Lye on the Table

George Plater Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for laying out a New fifteen Acres of Land part of the one Hundred Acres of Land formerly Erected into a Town commonly called Benedict Leonard Town &c^a Indorsed thus, [The text of this endorsement is printed at page 412.]

p. 407

Which bill read here and with the Amendments Proposed passed for Ingrossing.

Philemon Lloyd Esq^r from the Upper House Delivered to M^r L. H. J. Speaker the Petition of the Inhabitants of Queen Ann and Dorchester Countys Indorsed thus,

By the Upper House of Assembly August 1st 1732.

Read and referred to the Consideration of the Lower House of Assembly

Signed p order. J Ross Cl. Up. Ho.

An Ingrossed bill Entituled an Act to repeale an Act Entituled an Act for the Releif of the Devisees of James Phillips the Elder &c. And an Ingrossed bill Entituled an Act to Encourage Adventurers in Iron Works Severally read & Assented to and Sent to the Upper House with the paper bill thereof by M^r Hamilton & M^r Scott. Who return and say they Delivered the Same.

Mich^l Howard Esq^r from the Upper House Deliver M^r Speaker the bill for Erecting a Town in Queen Anns County on Chester River Opposite to Chester Town &c. Indorsed thus, [The text of this endorsement is printed at page 412.]

Which bill being read here and with the Amendments proposed passed for Ingrossing.

Coll^o Rider from the Upper House Delivered M^r Speaker a bill Entituled an Act reviving and Continuing an Act of Assembly of this Province Entituled an Act for the better releife of Poor Debtors Indorsed thus,

By the Upper House of Assembly July 31st 1732.

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 413.]

Which Bill was read here and passed for Ingrossing.

Petition of the Inhabitants of Dorchester & Queen Anns Countys, Read & Granted.

Benj. Tasker Esq^r from the Upper House Delivered M^r Speaker the Paper Bill Entituled an Act to Encourage Adventurers in Iron Works And the Paper bill Entituled an Act to repeale an Act Entituled an Act for the Releif of the Devisees of James Phillips the Elder &c. Severally Indorsed thus,

By the Upper house of Assembly Aug^t 1st 1732.

The Engrossed bill whereof this is the Original is read And Assented to.

Signed p Order J Ross Cl. Up. Ho.

L. H. J. M^r Cumming from the Committee of Laws Delivered M^r Speaker the bill Entituled an Act for raising a Duty of three pence p Hogshead on all Tobacco Exported out of this Province for the uses therein Mentioned. Read the first time and Ordered to Lye on the Table.

p. 408 The House Adjourns untill two of the Clock in the Afternoon

Tuesday Afternoon,

The House met according to Adjournment, The Members were Called and all Present as in the Morning.

The Bill Entituled a Supplementary Act to the Act Entituled an Act for Stay of Execution After the tenth of May, Read the second time & passed Sent to the Upper House by Coll^o Hanson & M^r Taylor, They return & say they Delivered the same.

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act to Ascertain the Gauge and Tare of Tobacco Hogsheads &c^a Indorsed thus,

By the Upper House of Assembly 28th July 1732.

Read the first time & Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 414.]

Which bill was read here and passed for Ingrossing

A Bill Entituled an Act for Erecting a Town at a Bridge near the head of Great Choptank River in Dorchester and Queen Anns Countys, Read the first & second time by Especial Order and passed and sent to the Upper House by M^r Wright and M^r Taylor, They return and say they Delivered the Same.

A Bill Entituled an Act repealing part of an Act Entituled an Act for laying an Imposition on Negroes and on Several Sorts of Liquors Imported and Also on Irish Servants to prevent Importing too great a Number of Irish Papists into this Province, Read the first time and Committed for Amendment.

The Question was put that an Additional Duty be laid on Irish Papists Imported into this Province Resolved in the Affirmative

The Question was put whether the three half pence p Hogshead to be Applied for the use of the Governour be Continued for three Years or one year, Resolved it be Continued for one Year

For one Year

M ^r Read	M ^r Caldwell	M ^r Hamilton
M ^r Blackistone	M ^r Allen	M ^r Sheredine
M ^r Howard	M ^r Edmundson	M ^r Magruder

M ^r Hall	M ^r Needles	M ^r Crabb	L. H. J.
M ^r Beale	M ^r Benson	M ^r Sprigg	
M ^r Hammond	M ^r Taylor	M ^r Belt	
M ^r Warfeild	M ^r Brannock	M ^r Hemsley	
M ^r Mackall	M ^r Woolford	M ^r Clayton	
M ^r Courts	M ^r George	M ^r Elliott	
M ^r Middleton	M ^r Wood		
M ^r Hawkins	M ^r Scott		

For three Years.

M ^r Waughop	M ^r Hanson	M ^r Ward
M ^r Hopewell	M ^r Dashiell	M ^r Cumming
M ^r Dulany	M ^r Goldsborough	M ^r Gordon
M ^r Smith	M ^r Hooper	M ^r Wright
M ^r Skinner	M ^r Herman	

The House Adjourns untill to Morrow Morning at Seven of the Clock.

Wednesday Morning August 2^d 1732

Aug. 2
p. 409

The House met according to Adjournment. The Members were Called and all Present as Yesterday, The proceedings of Yesterday were read.

A Bill Entituled an Act for raising a Duty of three half pence ꝓ Hogshead on all Tobacco Exported out of this Province to be Applied towards the Encouragem^t of the Publick Schools within this Province, Read the first and second time by Especial Order and passed.

Coll Ward from the Upper House Delivered to M^r Speaker the Bill Entituled an Act for laying out the Town a New Called Marlborough Town &c. Indorsed thus. [The text of this endorsement is printed at page 414.]

Coll^o Tilghman from the Upper House Delivered to M^r Speaker the bill Entituled an Act to prohibit raising of Swine in Upper Marlborough town in Prince Georges County Indorsed thus,

By the Upper House of Assembly 28th July 1732

Read the first time & Ordered to Lye on the Table.

Signed ꝓ Order J Ross Cl. Up. Ho.

And thus, [See page 415.]

Which Bill was read here and passed for Ingrossing.

A Bill Entituled an Act for raising a Duty of three half pence ꝓ Hogshead to the Gov^r on all Tobacco Exported out of this Province, Read the first and Second time by an Especial Order and Passed,

p. 410

L. H. J. And sent to the Upper House with the bill Entituled an Act for raising a Duty of three half Pence p Hogshead on all Tobacco Exported out of this province to be Applied towards the Encouragement of the Publick Schools within this Province Sent by Coll Belt and three more, They return and say they Delivered the same.

The following Message [The text of this message is printed at page 416.] Sent to the Upper House with the bill Entituled as aforesaid by M^r Crabb and M^r Sprigg. They return and say they Delivered the same.

A Bill Entituled an Act repealing part of an Act Entituled an Act for laying an Imposition on Negroes and on Several Sorts of Liquors Imported and also on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province And laying an Additional Duty on Irish Papists Read the first and second time by an Especial Order and Passed, And sent to the Upper House by Coll^o Ward and M^r Woolford, They return and say they Delivered the Same

A Bill Entituled an Act for Emitting and making Current Seventy two thousand pounds Currant Money of Maryland in bills of Credit read the first time & ordered to Lye on the Table.

Benj. Tasker Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for laying out the Town a New Called Marlborough Town &c^a and the following Message. [The text of this message is printed at page 416.]

Coll^o Tilghman from the Upper House Delivered M^r Speaker the bill Entituled an Act for Erecting a Town at the bridge near the head of Great Choptank River &c. Indorsed thus,

By the Upper House of Assembly 1st August 1732

Read the first time and Ordered to lye on the Table

Signed p Order J Ross Cl Up. Ho.

And thus, [See page 416.]

p. 411 An Ingrossed bill Entituled an Act for Erecting a Town on Chester River Opposite to Chester Town, Was read and Assented to and sent to the Upper House with the Paper Bill thereof by M^r Hemsley and M^r Woolford, They return and say they Delivered the same.

Philemon Lloyd Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the speedy recovery of small Debts &c. Indorsed thus

By the Upper House of Assembly 31st July 1732.

Read the first time & Ordered to lye on the Table.

Signed p order J Ross Cl. Up. Ho.

And thus, [The text of this endorsement is printed at page 417.] L. H. J.

Mich^l Howard Esq^r from the Upper House Delivered M^r Speaker the bill Entituled a Supplementary Act to the Act for Stay of Execution after the tenth of May Indorsed thus,

By the Upper House of Assembly 1st Aug. 1732

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl Up Ho.

And thus, [See page 417.]

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker the Paper bill Entituled an Act for the Erecting a Town in Queen Anns County on Chester River Opposite to Chester Town &c. Indorsed thus,

By the Upper House of Assembly 2^d August 1732.

The Engrossed bill whereof this is the Original is read & Assented to,

Signed p Order. J. Ross Cl. Up. Ho.

A Bill Entituled an Act to Explain part of An Act Entituled an Act for the Advancement of Justice. Read the first and second time by an Especial order and Passed.

The House Adjourns untill Two of the Clock in the Afternoon.

Wednesday at two of the Clock in the Afternoon,

The House met according to Adjournment, The Members were Called and all Present as in the Morning Except M^r Wright.

George Plater Esq^r from the Upper House Delivered M^r Speaker the bill Entituled an Act for the Releif of Robert Brooks &c. And the bill Entituled an Act for the Releif of James Gibson &c^a And the following Message [The text of this message is printed at p. 412 page 418.]

The Bill Entituled an Act for Emitting and making Current Seventy two thousand Pounds &c. Read the second time by Especial order and Passed and sent to the Upper House with the following Message [The text of this message is printed at page 418.] By M^r Beale and twelve more, They return and say they Delivered the same.

An Ingrossed bill Entituled an Act to Prohibit raising of Swine in Upper Marlborough Town &c. And an Engrossed bill Entituled an Act reviving and Continuing an Act of Assembly of this Province Entituled an Act for the better releif of Poor Debtors. Severally read and Assented to, And sent to the Upper House with the paper Bills

L. H. J. thereof by M^r Dashiell and M^r Hall, They return and say they Delivered the same.

Benj^a Tasker Esq^r from the Upper House Delivered M^r Speaker the bill Entituled an Act to Prohibit raising of Swine in Upper Marlborough &c. And the Paper bill Entituled an Act reviving and Continuing an Act of Assembly of this Province Entituled an Act for the better releif of poor Debtors Severally Indorsed thus,

By the Upper House of Assembly August 2^d 1732

The Engrossed bill whereof this is the Original is read & Assented to.

Signed p order J Ross Cl. Up. Ho.

The House Adjourns untill to Morrow Morning at Seven of the Clock.

Aug. 3

Thursday Morning Aug^t 3^d 1732.

The House met according to Adjournment. The Members were Called and all Present as yesterday, The proceedings of Yesterday were read.

M^r Wright Appeared in the House this Morning.

p. 413 The following Message, [The text of this message is printed at page 419.] Sent to the Upper House by Coll^o Belt and M^r Taylor, They return and say they Delivered the same.

The bill Entituled an Act to Explain part of An Act Entituled an Act for the Advancement of Justice Sent to the Upper House by Capⁿ Dassel and M^r Scott. They return and say they Delivered the same.

The Bill Entituled an Act for Erecting a Town at the bridge near the head of Great Choptank River &c. Read and passed for Ingrossing.

The Bill Entituled a Supplementary Act to the Act for Stay of Execution after the Tenth of May, Read and passed for Ingrossing.

A Bill Entituled an Act for the Assessment of Sixty thousand pounds of Tobacco on the Taxable Inhabitants of Durham Parish in Charles County for building a Church Read the first and second time by an Especial Order and passed and Sent to the Upper House by M^r Hanson and M^r Hawkins, They return and say they Delivered the same.

An Ingrossed bill Entituled an Act for laying out a New fifteen Acres of Land part of the One hundred Acres of Land formerly Erected into a Town commonly called Benedict Leonard Town &c. Read and Assented to And sent to the Upper House with the Paper bill thereof by M^r Hawkins and M^r Middleton

They return and say they Delivered the same.

Coll^o Ward from the Upper House Delivered to M^r Speaker the L. H. J. following message [The text of this message is printed at page 420.]

Coll^o Tilghman Esq^r from the Upper House Delivered M^r Speaker the Paper bill Entituled an Act for laying out a New fifteen Acres of Land part of the one hundred Acres of Land formerly Erected into a Town commonly called Benedict Leonard Town &c^a Indorsed thus,

By the Upper House of Assembly 3^d August 1732

The Engrossed bill whereof this is the Original is read and Assented to

Signed p order J Ross Cl. Up. Ho.

The following Message [The text of this message is printed at p. 414 page 421.] Sent to the Upper House with the bill Entituled an Act for the releif of Robert Brooks &c And the bill Entituled an Act for the Releif of James Gibson &c. by Coll^o Hanson and Six more They return and Acquaint M^r Speaker they Delivered the same.

Philemon Lloyd Esq^r from the Upper House Delivered M^r Speaker the following Message. [The text of this message is printed at page 422.]

The Bill Entituled an Act for the Speedy recovery of Small Debts p. 415 out of Court &c. Read and passed for Ingrossing.

M^r Crabb hath Leave to go home

The House Adjourns untill Two of the Clock in the Afternoon.

Thursday Afternoon

The House met according to Adjournment, The Members Called and all Present as in the Morning Except M^r Crabb.

The following Message [The text of this message is printed at page 422.] Sent to the Upper House by Coll Belt and M^r Courts They return and say they Delivered the same.

The following Message. [The text of this message is printed at p. 416 page 423.] Sent to the Upper House by M^r Goldsborough and M^r Needles, They return and say they Delivered the same.

John Hall Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled An Act repealing Part of an Act Entituled an Act laying an Imposition on Negroes &c. Indorsed thus, [The text of this endorsement is printed at page 424.]

Which bill was read here and with the Amendments Proposed passed for Ingrossing George Plater Esq^r from the Upper House Delivered to M^r Speaker a Bill Entituled an Act for raising a Duty of three pence p Hogshead to the Governour on all Tobacco Exported

L. H. J. out of this Province, And the bill Entituled an Act for raising a Duty of three half pence ꝑ Hogshead on all Tob^o Exported out of this Province towards the Encouragement of the Publick Schools within this Province. Severally Indorsed thus.

By the Upper House of Assembly 2^d Aug^t 1732.

Read the first time and ordered to Lye on the Table.

Signed ꝑ order J Ross Cl. Up. Ho.

And thus, [See page 424.]

Michael Howard Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the Releif of James Gibson &c. And the bill Entituled an Act for the releif of Robert Brooks &c. And the following Message. [The text of this message is printed at page 424.]

p. 417 Coll^o Rider from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 425.]

The House Adjourns untill to Morrow Morning at Seven of the Clock

Aug. 4

Friday Morning August 4th 1732.

The House met according to Adjournment, The Members Called and all Present as Yesterday, The proceedings of Yesterday were read.

A Bill Entituled an Act for raising a Duty of three pence ꝑ Hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned Read the first and second time by an Especial Order and passed, and sent to the Upper House by Coll^o Herman & Capⁿ Dashiel, They return and say they delivered the same.

An Ingrossed bill Entituled an Act repealing part of an Act Entituled an Act laying an Imposition on Negroes &c. An Ingrossed bill Entituled a Supplementary Act to the Act for Stay of Execution after the Tenth of May And an Ingrossed bill Entituled an Act Ascertainig the Gauge and Tare of Tobacco Hogsheads Severally read and Assented to and sent to the Upper House With the paper bills thereof by M^r Hemsley and M^r Sheredine, They return and say they Delivered the Same

The following Letter from the Governour Viz.

Gentlemen of the Lower House of Assembly.

Whereas I am Informed by Several Officers of the Militia that the Act of Assembly now in force for regulating the Militia does not

Effectually Answer the End for which it was made; that the Officers L. H. J. have not Sufficient Power to Oblige the Private Men to appear at Musters and learn the Necessary Discipline that Sufficient Provision is not made for preserving and Cleaning the Arms & other Utensils of war lodged in the several Countys so that many of them are Already Spoiled & Lost, and the rest Continually impairing, I therefore recommend to your Consideration the making such Provision thereunto as in your Discretion shall be thought necessary.

Sam: Ogle

Was sent to M^r Speaker.

An Ingrossed bill Entituled an Act for Erecting a town at the Bridge near the head of Great Choptank River &c. Read and Assented to and sent to the Upper House with the paper bill thereof by Capⁿ Hooper and Capt. Elliott, They return and say they Delivered the same.

Benj. Tasker Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the Advancement of Justice Indorsed thus,

By the Upper House of Assembly 3^d August 1732.

Read the first time and Ordered to Lye on the Table.

Signed p Order J Ross Cl. Up. Ho.

And thus, [See page 426.]

p. 418

Which bill was read here and passed for Ingrossing.

A Bill Entituled an Act for the Assessment of so much Tobacco on the Inhabitants of St. Paul's Parish in Prince Georges County as will build them a New parish Church and Chaple of Ease, Read the first and second time by Especial Order and passed, And sent to the Upper House by Coll^o Belt and Maj^r Sprigg.

They return and say they Delivered the same.

Coll^o Ward from the Upper House Delivered to M^r Speaker the bill Entituled An Act for the Assessment of Sixty thousand pounds of Tobacco on the Taxable Inhabitants of Durham Parish in Charles County for building a Church, Indorsed thus,

By the Upper House of Assembly 3^d Aug^t 1732

Read the first time & Ordered to Lye on the Table

Signed p Order. J Ross Cl. Up. Ho.

And thus, [See page 426.]

Which Bill was read here and passed for Ingrossing.

M^r Mathew and M^r Woolford hath leave to go home.

Coll^o Tilghman from the Upper House Delivered to M^r Speaker the Paper bill Entituled an Act for Erecting a Town at the Bridge

L. H. J. near the head of Great Choptank River &c. The paper Bill Entituled an Act to Ascertain the Gauge & Tare of Tobacco Hogshead &c. The Paper bill Entituled an Act repealing part of an Act Entituled an Act laying an Imposition on Negroes &c. And the paper bill Entituled an Act for Stay of Execution after the Tenth of May Severally. Indorsed thus

By the Upper House of Assembly 4th August 1732.

The Engrossed bill whereof this is the Original is read & Assented to.

Signed p Order. J Ross Cl. Up. Ho.

The following Answer sent to the Governours Letter Viz

By the Lower House of Assembly Aug^t 4th 1732.

May it Please y^r Excellency.

In Answer to your Letter this Day Delivered M^r Speaker We have taken it into Consideration And this Session drawing near to a Conclusion have agreed to referr the Subject Matter therein Contained to the Mature Consideration of the next Assembly It being a Matter of Importance and what will take up a Considerable time to Transact in the Manner it should.

Signed p Order of the House. p John Mackall, Speaker

Sent to his Excellency the Governour by Coll. Hanson and Coll^o Herman

p. 419 The following Message. [The text of this message is printed at page 426.] Sent to the Upper house by M^r Taylor and M^r Goldsborough, They return & Say they Delivered the same.

p. 420 The following Message, [The text of this message is printed at page 427.] Sent to the Upper House by Capⁿ Dashiell and three more, They return and say they Delivered the same.

An Ingrossed bill Entituled an Act to Explain part of an Act Entituled an Act for the Advancement of Justice read and Assented to and sent to the Upper House by M^r Warfeild and M^r Middleton, They return and say they Delivered the Same. M^r Beale Delivered to M^r Speaker the following Report and the Journal of the Committee of Accounts which was read and Assented to and sent to the Upper House by the Committee of Accounts. They return and Say they Delivered the same.

By the Committee of Accounts [August] the 4th 1732

Your Committee having Examined the several Treasurers Accounts for Sixteen years past and Cannot find that M^r Stephen

Knight Naval Officer at the head of the Bay has rendered any Ac- L. H. J.
count to the Treasurers for Duties by him received, All which is
reported by your Committee that the house may doe therein as they
shall see fit.

Signed ꝑ Order. Rich. Dorsey Cl. Com.

Resolved that this House will not proceed on any New Business
this Session.

The House Adjourns untill two of the Clock in the Afternoon.

Friday Afternoon

The House met according to Adjournment, The Members were
Called and all Present as in the Morning.

An Ingrossed bill Entituled an Act for the Speedy recovery of
small Debts out of Court before a Single Justice of the Peace, And
the Ingrossed bill Entituled an Act for the Assessment of Sixty
thousand Pounds of Tobacco on the Taxable Inhabitants of Dur-
ham Parish &c. Severally read & Assented to, And sent to the Upper
House by Coll Ward and Capⁿ Hopewell, Who return and say they
Delivered the same

Coll^o Tilghman and Coll^o Ward from the Upper House Delivered
M^r Speaker the following Message and the bill Entituled an Act
for making and Emitting Seventy two thousand pounds Paper Cur-
rency Indorsed thus

By the Upper House of Assembly 2^d Aug^t 1732.

Read the first time & Ordered to Lye on the Table.

Signed ꝑ Order. J Ross Cl. Up. Ho.

And thus, [See page 429.]

George Plater Esq^r from the Upper House Delivered to M^r
Speaker the Paper bill Entituled an Act for the Speedy recovery of
small Debts out of Court &c. The Paper bill Entituled an Act for
the Assessment of Sixty thousand pounds of Tobacco on the Tax-
able Inhabitants of Durham Parish &c. And the paper bill Entituled
an Act to Explain part of an Act. Entituled an Act for the Advance-
ment of Justice Severally Indorsed thus.

p. 421

By the Upper House of Assembly 4th August 1732.

The Engrossed bill Whereof this is the Original is read & As-
sented to,

Signed ꝑ Order. J Ross Cl. Up. Ho.

L. H. J. The Question was Put that the House Agree to the Several Amendments Proposed to the Paper bill by the Upper House. Resolved in the Negative.

For the Affirmative

Mr Hopewell	Mr Taylor	Mr Ward
Mr Blackistone	Mr Herman	Mr Wood
Mr Howard	Mr George	Mr Scott
Mr Hall	Mr Wright	Mr Magruder
Mr Dulany	Mr Hemsley	Mr Sprigg
Mr Middleton	Mr Clayton	Mr Gordon
Mr Hooper	Mr Elliott	

p. 422

For the Negative

Mr Waughop	Mr Skinner	Mr Benson
Mr Read	Mr Courts	Mr Needles
Mr Beale	Mr Hanson	Mr Brannock
Mr Hammond	Mr Dashiell	Mr Hamilton
Mr Warfeild	Mr Caldwell	Mr Sheredine
Mr Mackall	Mr Allen	Mr Belt
Mr Smith	Mr Edmundson	Mr Cumming

The House Adjourns untill to Morrow Morning at Seven of the Clock.

Aug. 5

Saturday Morning Aug^t 5th 1732.

The House met according to Adjournment, The Members Called and all Present as yesterday, The proceedings of Yesterday were read. Coll^o Belt from the Committee of Aggreivances Delivers Mr Speaker the following Report.

By the Committee of Aggreivances August 4th 1732

Your Committee being Informed that Several Officers Charge their fees According to the Law heretofore made in the Year Seventeen hundred and nineteen which has been long Since Expired; Notwithstanding there was a Law Afterwards made in Seventeen Hundred and twenty five which made a Considerable Alteration of the fees Allowed by that Law in Seventeen hundred and Nineteen and after that Law in Seventeen hundred and twenty five was Dissented to by the Proprietary there was a bill Agreed to by the Upper and Lower Houses of the General Assembly much to the same Effect with the Law of Seventeen hundred and twenty five, And also the Lower House have thought fit to make a Resolve that the Law of Seventeen hundred and twenty five gave a Sufficient Satisfaction to the Several Officers for the Several Services in the Law Mentioned.

And your Committee are further Informed that Several Clerks or Registers of Several Courts within this Province take upon them-

selves to file Costs according to the Regulation of Seventeen hundred & Nineteen and to Issue Executions thereon without Orders or Directions of the Judges of their Courts by which means Several of the Inhabitants of this Province are very much Prejudiced as your Committee Conceives And your Committee are of Opinion that it is an Aggreivance to the Inhabitants that the Officers should be Allowed to Charge their fees by that Law in Seventeen hundred & Nineteen and to be Executed for fees taxed in bills of Costs Charged by that Law, All which is referred to the house for their Consideration thereof.

Signed ꝑ Order J Ross Cl. Up. Ho.

The House Concurs with the Report and referrs the further Consideration of it to the next Assembly.

The Question was put that a Message be sent to the Upper House to Enforce the Paper Currency bill Resolved in the Affirmative.

For the Affirmative

p. 423

M ^r Hopewell	M ^r Edmundson	M ^r Sheredine
M ^r Blackistone	M ^r Needles	M ^r Scott
M ^r Howard	M ^r Benson	M ^r Magruder
M ^r Hall	M ^r Hooper	M ^r Sprigg
M ^r Beale	M ^r Taylor	M ^r Belt
M ^r Dulany	M ^r Brannock	M ^r Cumming
M ^r Warfeild	M ^r Herman	M ^r Gordon
M ^r Middleton	M ^r George	M ^r Elliott
M ^r Allen	M ^r Ward	
M ^r Goldsborough	M ^r Wood	

For the Negative

M ^r Waughop	M ^r Skinner	M ^r Caldwell
M ^r Read	M ^r Courts	M ^r Hamilton
M ^r Hammond	M ^r Hanson	M ^r Wright
M ^r Mackall	M ^r Hawkins	M ^r Hemsley
M ^r Smith	M ^r Dashiell	M ^r Clayton

The Question was put that the Paper Bill do not take place till the Lord Proprietarys Assent or Dissent be known Resolved in the Negative.

For the Affirmative

M ^r Hopewell	M ^r Goldsborough	M ^r Wood
M ^r Blackstone	M ^r Hooper	M ^r Magruder
M ^r Howard	M ^r Taylor	M ^r Sprigg
M ^r Hall	M ^r Herman	M ^r Gordon
M ^r Dulany	M ^r George	
M ^r Middleton	M ^r Ward	

L. H. J.

For the Negative

Mr Waughop	Mr Hanson	Mr Hamilton
Mr Read	Mr Hawkins	Mr Sheredine
Mr Beale	Mr Dashiell	Mr Scott
Mr Hammond	Mr Caldwell	Mr Belt
Mr Warfeild	Mr Allen	Mr Cumming
Mr Mackall	Mr Edmundson	Mr Wright
Mr Smith	Mr Needles	Mr Hemsley
Mr Skinner	Mr Benson	Mr Clayton
Mr Courts	Mr Brannock	

p. 424 Michael Howard Esq^r from the Upper House Delivered Mr Speaker the following Message. [The text of this message is printed at page 430.]

p. 425 Phillip Lee Esq^r from the Upper House Delivered to Mr Speaker the following Message. [The text of this message is printed at page 432.]

Benjamin Tasker Esq^r from the Upper House Delivered to Mr Speaker a bill Entituled an Act for the Assessment of Sixty thousand pounds of Tobacco on the Inhabitants of S^t Pauls parish in Prince Georges County &c. Indorsed thus.

By the Upper House of Assembly 4th Aug^t 1732.

Read the first time & Ordered to Lye on the Table.

Signed p Order. J Ross Cl. Up. Ho.

And thus,

By the Upper House of Assembly 5th Aug^t 1732

Read the second time & Will pass.

Signed p Order J Ross Cl. Up. Ho.

Which bill was read here & passed for Ingrossing.

Coll^o Ward from the Upper House Delivered to Mr Speaker the bill Entituled an Act for raising a Duty of three pence p Hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned Indorsed thus,

By the Upper House of Assembly 4th August 1732

Read the first time & Ordered to Lye on the Table.

And thus,

By the Upper House of Assembly 5th August 1732

Read the second time and will pass with the following Amendments, that in 17th Line after the word Case, put, or other Package

And after the word Maintenance in the 26th Line Add for which L. H. J. Collection the Several Naval Officers shall be Allowed after the rate of Eight p Cent.

Signed p Order J Ross Cl. Up. Ho.

Which bill was read here and with the Amendments Proposed passed for Ingrossing.

M^r Dulany from the Committee Appointed to [in]spect the proceedings of the Land Office And the Abuses. Brings in the following Report.

By the Committee Appointed to Inspect the proceedings in the Land Office and the Abuses therein August 5th 1732.

Your Committee hath Inspected such Papers as they could come at and was Informed would give any Insight into the Matter given us in Charge and Also the Examination upon Oath (hereto annext) of M^r George Noble Surveyour of Prince Georges County, whereby it Appears that Several Land Warrants have been taken out of the Land Office for Several Large Quantities of Land and Located on Very great Tracts more than the Warrants Contained some of which warrants have been renewed from time to time And others of them returnable with all Convenient Speed; And the Locations continued for Severall Years by Colour of the said Warrants Altho none of them have been Actually Executed whether the said Warrants have or have not been paid for, Your Committee have not Enquired, but be that as it Will, Your Committee Conceives that such Practises are Very Injurious to his Lordship, As well as the People, and a very great Obstruction to the Settling the back parts of this Province to his Lordship in Preventing Great Quantities of his back wast Lands (now of no Use or Advantage to him) from being taken up and paid for, And to the Inhabitants who would willingly have taken up and paid for great part of the Lands under those Locations; Which they have been Deterr'd from doing for fear of p 426 Engaging in Disputes with the Proprietors of the said Warrants, the said Practises have had this, further Mischievous Effects (as your Committee is Informed) that several People who would have Come from other parts and taken up some of the said back Lands and Settled on them, have rather Chosen and Settled in Virginia and Other places, than Involve themselves in Disputes, of which they could not hope Easily to see an End.

What Locations your Committee *has* seen are hereto Annexed which Concern Lands only on this side the Bay, but Master Taylor has Assured your Committee that People *hath* been hindered from taking up Lands on the Eastern Shore by Locations on very great Bodies of Lands there, without any Warrant to found such Locations upon & Affairs that he can prove the same to the next Assem-

L. H. J. bly, which if true your Committee Conceives to be a Greater Abuse than those on this side, And submitts the Consideration of the House whether it may not be proper to referr this Matter to the next Session and to give Directions to have such Witnesses Examined and their Examinations returned to this House then, to the End the Matter may be brought in a Clear Light, and proper Measures taken to put an End to Practises so Injurious to his Lordship and the people. All which is Submitted to the Consideration of the House.

D Dulany	Joshua George	Peter Taylor
Phil. Hammond	N. Goldsborough	Francis Allen

The Deposition of M^r George Noble Surveyour of Prince Georges County Deposeth

That M^r John Diggs brought a Land Warrant to this Deponent (that as he Remembers was for Ten Acres) About four years agoe and would not Lodge it with him unless he would Abate part of his Usual fee which this Deponant refused upon which the said Diggs got the Surveyour General to Direct it on the back of the Warrant to be Executed by the Surveyour of Baltemore County, and since the said Diggs has Claimed all the Vacant Land on Monocacy and its Branches as well as the Branches of Susquehannah and said he would Enter a Caveat against the said Patent Issueing of any Certificate I should return of the Lands on Monocacy till he was served And this Deponent further saith that he see a Letter to a Certain Joseph Hedge, Subscribed John Diggs that he beleives was the said Diggs hand Writing wherein he tells the said Hedge (who had settled on Monocacy) to Come to him & make him Satisfaction for he had Settled within his Entry or to that purpose, And further saith not.

Jur. cor me 28th July Anno Dom. 1732.

George Noble.

Dan^l Dulany.

I have heard it Reported that Several People went over to Virginia that would have Settled in Maryland if M^r John Diggs Entry had been removed.

Charles Carroll Esq^r Warrant 10000 Acres. Located as follows.
 p. 427 On the head of Pipe Creek on the Land called Hashawha or where the Indian Cabin or Old feils are, as Also on a Creek called Conawaga, which falls into Susquehannah and the Drafts thereof and the Lands Contiguous also on a Creek called Cadoras and the Drafts thereof and the Lands Contiguous & Opposite to Conostogo Creek on Susquehannah As Also on a Creek called Thomas's Creek and the Drafts thereof falling into Monockisie and at the Mouth of the said Thomas Creek.

A Reserve of 10000 Acres in Prince Georges County within such L. H. J. Meets & bounds as may be most Profitable for his Lordships and Survey to be returned with all Convenient Speed.

Dated May 28th 1724

Thus Located May 28th 1724 the within Reserve is Located on the most Convenient & Profitable Land on Potomack River at that place Commonly called Conegosheigoe

p J. Stoddert D: Sur.

Warrant of 10000 Acres to Charles Lowe and P: Ll: Esq^r Dated May 20th 1726 returnable with all Convenient Speed, thus Located.

Memorandum.

The former Entry is Still Continued that is to Say 5000 Acres next. Adjoyning unto his Lordships Manner of 10000 Acres the other 5000 to be laid out in the fork of Monocassy on Potomack Side Above Mess^{rs} Carroll's Tract of 10000 in the fork to be found good & Convenient there Otherwise on Conegocheigo as Above said this 24th Day of November 1724

The Deposition of Coll. John Rider is as follows Viz.

That he being Actually in Conversation with one James Hayes Deputy Surveyour of Dorset County And in Discourse Enquiring of him Concerning Vacant Land at the head of Nanticoke River he Informed him that Esq^r Lloyd had Entered most of the Vacant Land thereabout and had begun a Survey for the said Esq^r Lloyd upon an Island on Marshy hope

Sometime Afterwards he falling into Discourse with one Capⁿ Nutter he told this Deponant that no Lands Were to be taken up thereabouts Untill Esq^r Lloyds Survey was finished, And this Deponant further Declares that the af^d James Hays Informed him that the Location of Esq^r Lloyd Extended from Whereabout Capⁿ Charles Nutter Lives unto Marshy hope, And further Says not

Jur. Cor. me 4th dio of Aug^t 1732.

John Rider

Rob^t Gordon.

M^r Peter Taylor Affirms that Philemon Lloyd Esq^r in the Year 1719 Cautioned James Hays late Deputy Surveyour of Dorchester County, As the said Hays Informed him, not to Survey or lay out for any Person, Save him the said Philemon Lloyd, Any Lands betwixt fowling Creek in Dorchester County and the fortieth Degree of Northern Latitude or as far as the Lord Proprietarys Claims Extended farther the said Taylor insists that Several People turned Tenants to the Government of Pensilvania, even some that had Warrants out of his Lordships Land Office, the Surveyour aforesaid p. 428

L. H. J. having refused to Execute the Warrants, by Means of the said Lloyd's Caution, That the said Lloyd having run out some Lines Including some Plantations Several People Quitting their Habitations rather than be Tenants under him as they Alledged.

And the said Peter Taylor further Affirms that in some Conversation between Esq^r Lloyd and himself About two Years since (And After the Death of the said Hays) the sayd Lloyd Acquainted him that he should Continue the said Cautions And he hath never understood that Esq^r Lloyd hath to this time Quitted his Pretensions to the said Cautions.

The House Concurrs therewith and referrs it for the Consideration of next Assembly

The Bill Entituled an Act for Emitting Paper Currency Sent to the Upper House and the following Message. [The text of this p. 429 message is printed at page 432.] By Coll^o Ward and Capⁿ Blackistone, Who return and say they Delivered the same.

The Report from the Committee of Accounts Concerning M^r Knight referred to be Considered of next Assembly.

M^r Beale from the Committee to regulate Officers fees Delivered M^r Speaker the following report. [The text of this report is printed at page 433.]

The House Approves of the said Report.

M^r Read hath Leave to go home.

M^r Waughop hath leave to go home to Morrow if the House does not brake up to night

M^r Hawkins hath leave to go home.

The House Adjourns Untill Two of the Clock in the Afternoon.

Saturday Afternoon.

The House met according to Adjournment, the Members Called & all Present as in the Morning Except M^r Wright

The Question was put that the three pence p Hogshead formerly raised for Arms & Ammunition be now raised and Applied as the Governour and the Upper and Lower Houses of Assembly shall think fit. Resolved in the Affirmative.

For the Affirmative

M ^r Hopewell	M ^r Edmundson	M ^r Magruder
M ^r Howard	M ^r Needles	M ^r Sprigg
M ^r Beale	M ^r Benson	M ^r Belt
M ^r Dulany	M ^r Hooper	M ^r Cumming
M ^r Middleton	M ^r Taylor	[M ^r] Gordon
M ^r Dashiell	M ^r Herman	[M ^r] Elliott
M ^r Caldwell	M ^r Wood	
M ^r Allen	M ^r Ward	

For the Negative

L. H. J.

Mr Waughop	Mr Smith	Mr Hamilton
Mr Blackstone	Mr Skinner	Mr Sheredine
Mr Hall	Mr Courts	Mr Scott
Mr Hammond	Mr Hanson	Mr Hemsley
Mr Warfeild	Mr Goldsborough	Mr Clayton
Mr Mackall	Mr George	Mr Brannock

An Ingrossed bill Entituled an Act for the Assessment of so p. 430
much Tobacco on the Inhabitants of S^t Paul's Parish in Prince
Georges County &c. Read and Assented to And Sent with the Paper
bill to the Upper House by Mr Magruder & Maj^r Sprigg.

They return and say they Delivered the same

A Bill Entituled an Act for laying an Imposition of three pence
p Hogshead on all Tobacco to be Exported out of this Province for
the time therein Mentioned, Read the first and second time by an
Especial Order and Passed, And sent to the Upper House by Capⁿ
Hooper and Mr Allen, They return and say they Delivered the same.

Philemon Lloyd Esq^r from the Upper House Delivered Mr Speaker
a bill Entituled An Act for Limitation of Officers fees Indorsed thus,

By the Upper House of Assembly July 24th 1732.

Read the first time and Ordered to lye on the Table.

Signed p order J Ross Cl. Up. Ho.

And thus,

By the Upper House of Assembly 5th August 1732

Read the Second time and will [not ?] Pass.

Signed p Order J. Ross. Cl. Up. Ho.

George Plater Esq^r from the Upper House Delivered to Mr
Speaker the bill Entituled An Act for laying an Imposition of three
Pence p Hogshead on all Tobacco Exported out of this Province
for the time therein Mentioned Indorsed thus. [The text of this
endorsement is printed at page 434.]

And the Paper bill Entituled an Act for the Assessment of so
much Tobacco on the Inhabitants of St. Paul's Parish in Prince
Georges County &c. Indorsed thus.

By the Upper House of Assembly 5th August 1732

The Engrossed bill Whereof this is the Original is read & As-
sented to.

Signed p Order. J Ross Cl. Up. Ho.

- L. H. J. The bill Entituled an Act for laying an Imposition of three pence p Hogshead on All Tobacco to be Exported out of this Province for the time therein Mentioned Read and with the Amendments Proposed passed for Ingrossing.

The House proceeded to Tax the following Bills A Bill Entituled an Act for the Naturalization of Onorio Rozilini.

	lb s. d.
To the Hoñble Speaker	2 : 0 : 0
To the Clerk	1 : 0 : 0

A Bill Entituled an Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain & Sale from Benony Fanning &c^a

To the Hoñble Speaker	3 : 0 : 0
To the Clerk	1 : 10 : 0

- p. 431 A Bill Entituled an Act to repeal An Act Entituled an Act for the Releif of the Devises of James Phillips the Elder &

	lb s. d
To the Hoñble Speaker	3 : 0 : 0
To the Clerk	1 : 10 : 0

Mich^l Howard Esq^r from the Upper House Delivered to M^r Speaker the Journal of the Committee of Accounts Indorsed thus, [See page 435.]

Benjamin Tasker Esq^r from the Upper House of Assembly Delivered M^r Speaker M^r Slys Petition Indorsed thus,

By the Upper House of Assembly 5th Aug^t 1732

Read and recommended to the Consideration of the Lower House of Assembly

Signed p Order. J Ross Cl. Up. Ho.

A Bill Entituled an Act Impowering a Committee to lay Assess and Apportion the Publick Levy for this Present Year Seventeen hundred and thirty two. Read the first and second time by an Especial Order & Passed And sent to the Upper House by M^r Beale and M^r George, They return and say they Delivered the same.

An Ingrossed bill Entituled an Act for raising a Duty of three pence p Hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned Read and Assented to, And sent to the Upper House with the Paper Bill thereof by Capⁿ Blackistone and M^r Needles, They return and say they Delivered the same

The Petition of M^r Slye Read and Rejected.

Coll^o Ward from the Upper House Delivered to M^r Speaker the Paper bill Entituled an Act for raising a Duty of three Pence p

Hogshead on all Tobacco Exported out of this Province for the L. H. J. Uses therein Mentioned Indorsed thus.

By the Upper House of Assembly 5th August. 1732

The Engrossed bill whereof this is the Original is read and Assented to.

Signed p Order J Ross Cl. Up. Ho.

And the bill Entituled an Act Impowering a Committee to lay Assess and Apportion the Publick Levy & Indorsed thus [The text of this endorsement is printed at page 435.]

Which last Bill was read here and passed for Ingrossing

A Bill Entituled an Act for Continuing of Dorchester County p. 432 Court from the Second Tuesday of August Untill the Second Tuesday of November next And for the further Continuance of Causes in the said Court Read the first and second time by an Especial Order and Passed And sent to the Upper House by M^r Taylor and M^r Allen, They return and say they Delivered the Same.

M^r Benjamin Mackall hath leave to go home.

Coll^o Hanson hath leave to go home to Morrow

A Bill Entituled an Act for the Releif of Alexander Simmes and Archibald Johnson Languishing Prisoners in St. Marys County Gaol Read the first And second time by an Especial Order and Passed, And sent to the Upper House by M^r Hemsley and M^r Hall. They return and say they Delivered the same.

An Ingrossed bill Entituled an Act for laying an Imposition of three pence p Hogshead on all Tobacco to be Exported out of this Province for the Uses Mentioned Read and Assented to.

The Mony Journal read & Assented to

The House Adjourns untill Monday Morning at Seven of the Clock.

Monday Morning August 7th 1732.

Aug. 7

The House met According to Adjournment.

The Members were Called and All Present as on Saturday, The proceedings of Saturday were read.

An Ingrossed bill Entituled an Act for raising a Duty of three pence p Hogshead &c. And the paper bill thereof Sent to the Upper House by Maj^r Sprigg & M^r Middleton.

They return and Say they Delivered the same.

The Mony Journal was sent to the Upper House by M^r Beale and Coll Ward, They return and say they Delivered the same.

An Ingrossed bill Entituled an Act Impowering a Committee to lay Assess and Apportion the Publick Levy &c. Read and Assented

L. H. J. to and sent to the Upper House with the paper bill thereof by M^r Clayton & M^r Allen, They return and Say they Delivered the same.

George Plater Esq^r from the Upper House Delivered to M^r Speaker the bill Entituled an Act for the Releif of Alexander Simmes & Archibald Johnson Languishing Prisoners in S^t Mary's County Gaol Indorsed thus, [See page 436.]

Which bill was read here & Passed for Ingrossing.

An Ingrossed bill Entituled an Act for the Releif of Alexander Simms & Archibald Johnson Read and Assented to and Sent to the Upper House with the Paper bill thereof by Capⁿ Hooper And Capⁿ Blackistone. They return and Say they Delivered the same.

p. 433 Michael Howard Esq^r from the Upper House Delivered to M^r Speaker the Paper bill Entituled an Act for the Releif of Alexander Simms &c.

The Paper bill Entituled an Act Impowering a Committee to lay Assess & Apportion the Publick Levy &c. And the Paper bill Entituled an Act for laying an Imposition of three pence p Hogshead on all Tobacco to be Exported out of this Province for the time therein Mentioned Severally Indorsed thus,

By the Upper House of Assembly August 7th 1732.

The Engrossed bill whereof this is the Original is read and Assented to.

Signed p order. J. Ross Cl. Up. Ho.

Benjamin Tasker Esq^r from the Upper House Delivered to M^r Speaker the Mony Journal Indorsed thus,

7th Aug^t 1732

Read and Assented to by the Upper House of Assembly

Signed p Order J Ross. Cl Up. Ho.

The House Adjourns untill two of the Clock in the Afternoon.

Monday Afternoon,

The House met according to Adjournment The Members were Called and all Present as in the Morning.

p. 434 Philemon Lloyd Esq^r from the Upper House Delivered to M^r Speaker the following Message and Paper Currency bill. [The text of this message is printed at page 438.]

The Question was put that the house Agree to the Amendments Proposed by the Upper House to the Paper Currency bill. Resolved in the Negative.

For the Affirmative

L. H. J.

M ^r Hopewell,	M ^r Middleton	M ^r George
M ^r Blackistone	M ^r Hooper	M ^r Ward
M ^r Howard	M ^r Taylor	M ^r Wood
M ^r Hall	M ^r Brannock	M ^r Magruder
M ^r Dulany	M ^r Herman	M ^r Sprigg

For the Negative

M ^r Beale	M ^r Caldwell	M ^r Sheredine
M ^r Hammond	M ^r Allen	M ^r Scott
M ^r Warfeild	M ^r Goldsborough	M ^r Wright
M ^r Smith	M ^r Edmundson	M ^r Hemsley
M ^r Skinner	M ^r Needles	M ^r Clayton
M ^r Courts	M ^r Benson	
M ^r Dashiel	M ^r Hamilton	

The Question was put the House Agree to the Lord Proprietarys Assent or Dissent to the Paper Currency bill be known before it Operate, Resolved in the Affirmative.

For the Affirmative

M ^r Hopewell	M ^r Goldsborough	M ^r Wood
M ^r Blackistone	M ^r Hooper	M ^r Magruder
M ^r Howard	M ^r Taylor	M ^r Sprigg
M ^r Hall	M ^r Brannock	M ^r Cumming
M ^r Dulany	M ^r Herman	M ^r Gordon
M ^r Middleton	M ^r George	M ^r Elliott
M ^r Dashiel	M ^r Ward	

For the Negative

M ^r Beale	M ^r Caldwell	M ^r Clayton
M ^r Hammond	M ^r Allen	M ^r Sheredine
M ^r Warfeild	M ^r Edmundson	M ^r Scott
M ^r Smith	M ^r Needles	M ^r Wright
M ^r Skinner	M ^r Benson	M ^r Hemsley
M ^r Courts	M ^r Hamilton	

The Question was put that the Paper Currency bill be referred to the Consideration of Next Assembly. Resolved in the Negative.

George Plater Esq^r from the Upper House Delivered to M^r Speaker the bill for Continuance of Dorchester County Court &c. Indorsed thus.

By the Upper House of Assembly 5th August 1732

Read the first time & Ordered to Lye on the Table

Signed p Order. J Ross Cl. Up. Ho.

L. H. J. And thus, [See page 438.]

p. 435 The following Message, [The text of this message is printed at page 439.] Sent to the Upper House by M^r Dulany and three more. They return and say they Delivered the same.

The House Adjourns untill to Morrow Morning at Seven of the Clock.

Aug. 8 Tuesday Morning August the Eight 1732.

The House met according to Adjournment. The Members Called & All Present as Yesterday. The proceedings of yesterday were read.

The House Adjourns untill Two of the Clock in the Afternoon.

Tuesday Afternoon,

The House met according to Adjournment, The Members Were Called and All Present as in the Morning.

Mich^l Howard & George Plater Esq^{rs} from the Upper House Delivered M^r Speaker the paper Currency bill and following Message [The text of this message is printed at page 439.]

pp. 436-7

The Question was put that the House Agree the Governour Nominate the Commissioners in Paper Currency bill. Resolved in the Negative.

For the Affirmative.

M ^r Hopewell	M ^r Hooper	M ^r Wood
M ^r Blackistone	M ^r Taylor	M ^r Mathews
M ^r Howard	M ^r Brannock	M ^r Sprigg
M ^r Hall	M ^r Herman	M ^r Cumming
M ^r Dulany	M ^r George	M ^r Gordon
M ^r Middleton	M ^r Ward	M ^r Elliott

For the Negative

M ^r Beale	M ^r Caldwell	M ^r Sheredine
M ^r Hammond	M ^r Allen	M ^r Scott
M ^r Warfeild	M ^r Goldsborough	M ^r Wright
M ^r Smith	M ^r Edmundson	M ^r Hemsley
M ^r Skinner	M ^r Needles	M ^r Clayton.
M ^r Courts	M ^r Benson	
M ^r Dashiel	M ^r Hamilton	

M^r Beale and M^r Sprigg were sent to the Governour to Acquaint him Nothing Momentary lies before this House to Transact, They return and acquaint M^r Speaker they Delivered their Message.

Philemon Lloyd Esq^r from the Upper House Acquaints M^r Speaker that the Governour requires him and the rest of the Members of this House to Attend him Immediately at the Upper house and then Withdrew.

Mr Speaker left the Chair and with the rest of the Members of this L. H. J. House went to Attend his Excellency in the Upper House where Mr Speaker Presented to his Excellency the following Ingrossed bills.
[This list is printed at page 441.]

pp. 438-9

All which the Governour Passed into Laws by Sealing them with the Right Honourable the Lord Proprietarys Greater Seal at Arms; And Severally thus Indorsing them Viz.

August the 8th 1732

On Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.

Sam: Ogle

After which the Governour made the following Speech. [This speech is printed at page 443.]

Mr Speaker with the rest of the Members of this House returned. p. 440

Mr Speaker reasumed the Chair & repeated what the Governour had done and said, Whereupon this house Prorogues it self to the last Tuesday of November next accordingly.

So Endeth this Session of Assembly this Eighth day of August Anno Domini 1732

Test M. Macnemara Cl. Lo. Ho.

ACTS

Session At a Session of Assembly, begun and held at the City of Annapolis,
Laws in Maryland, the Eleventh Day of July, 1732, the following Laws
were Enacted.

Chap. III An Act to prohibit raising of Swine, Sheep, and Geese, in the Town
P. I of Chester, in Kent County.

Whereas the Freeholders and Inhabitants of Chester Town, in the County of Kent, by their humble Petition to the Lower House of Assembly, have set forth, That divers Persons living in the same Town do raise and keep large Quantities of Swine, Sheep, and Geese, within the same Town, whereby not only the Grass necessary for the Support of the Cows and Horses of the Inhabitants is consumed; but that also, the Ground is so rooted up, and the Streets so broke, that in Winter or wet Weather, they are almost impassable; also, that the Swine there are so numerous and ravenous, that they break into Warehouses where Grain is stored, and that several young Children have been in Danger of being devoured by them; and that the Inhabitants cannot preserve their Gardens and Inclosures from being broke down and destroyed by them,

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person or Persons whatsoever, living, or to live, within the same Town, shall after the end of this present Session of Assembly, under any Pretence whatsoever, keep or support within the same Town, any Swine, Sheep, or Geese, belonging to themselves, or any other Person whatsoever, unless such Swine, Sheep, or Geese, be kept within such Person or Persons Inclosure so keeping or supporting Swine, Sheep, or Geese.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons that shall be convicted before any Magistrate, on Confession or Proof of transgressing against this Act, shall pay One Hundred Pounds of Tobacco for each Transgression: The same to be levied on the Body, Goods, or Chattels of the Offender, by way of Execution, as in Case of small Debts, and to be applied to the Use of the Free School of the County aforesaid.

Chap. IV An Act for preventing Bribery and Corruption in the Elections of
[The Proprietary Citizens or Delegates to serve in Assembly for the City of Annapolis.
dissented]

p 2

For preventing Bribery and Corruption in the Elections of Citizens or Delegates to serve in Assembly for the City of Annapolis, Be it

Enacted, by the Right Honourable the Lord Proprietary, and the Upper and Lower Houses of Assembly, and the Authority of the same, that upon the Election of any Member or Members to serve for the Inhabitants of Annapolis in Assembly, every Freeholder or other Person, claiming a Vote, shall, before he is admitted to poll at the same Election, take the following Oath; or being one of the People called Quakers, shall make the solemn Affirmation appointed for Quakers, in case the same shall be demanded by any Candidate, or any Two of the Electors; that is to say, Session
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I A. B. do swear, (or being a Quaker, solemnly affirm,) That I have not received, or had, by my self, or any Person whatsoever in Trust for me, or for my Use, directly, or indirectly, any Sum or Sums of Money, Office, Place, or Employment, Gift, or Reward; or any Promise or Security for any Money, Office, Employment, Gift, or Reward, for giving my Vote at this Election.

Which Oath, the Mayor, Recorder, or any Alderman present, is hereby impowered and required to administer Gratis, upon Pain to forfeit Twenty Pounds Current Money of Maryland, to any Person who will sue for the same: To be recovered by Action of Debt, Bill, Plaint, or Information, with full Costs of Suit, in the Provincial, or Anne-Arundel County Court, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

And be it further Enacted, That if the Mayor, Recorder, or any Alderman, shall refuse to administer the said Oath, if demanded, as aforesaid, the Mayor, Recorder, or Alderman, so refusing, shall forfeit the Sum of Twenty Pounds Current Money: To be recovered, as aforesaid, by any Person who shall sue for the same. And that every Person who shall poll or vote at any such Election, without having first taken the Oath, or if a Quaker, the solemn Affirmation, if demanded, such Person shall incur the same Penalty, which the Mayor, Recorder, or Alderman, is liable to, for the Offence above-mentioned: To be recovered, as aforesaid.

And be it further Enacted, That the Mayor, Recorder, if present, and every Alderman present, at every such Election, shall, immediately after the reading the Writ for the Election, take and subscribe the following Oath.

I A. B. do solemnly swear, That I have not, directly or indirectly, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity, or Reward; or any Bond, Bill, Note, or any Promise, or Gratuity whatsoever, either by my self, or any other Person to my Use, or Benefit, or Advantage, for making any Return at the present Election: And that I will return such Person or Persons, as shall, p. 3 to the best of my Judgment, appear to have the Majority of legal Votes.

Which Oath, the Mayor, Recorder, and Aldermen present, are hereby impowered to administer to each other.

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And be it further Enacted, That any Person guilty of swearing or affirming falsely in taking any Oath or Affirmation herein mentioned, and that shall be thereof convicted by due Course of Law, shall suffer and incur the Pains and Penalties which are inflicted, in Case of wilful and corrupt Perjury, and shall never afterwards be qualified to vote in any future Election, or be chose as a Delegate.

And be it further Enacted, That if any Person who hath or claimeth to have, or hereafter shall have or claim to have any Right to vote in any such Election, shall ask, take, receive, any Money, or other Reward, by way of Gift, Loan, or other Device; or agree, or contract for any Gift, Employment, or other Reward whatsoever, to give his Vote, or to refuse or forbear to give his Vote in any such Election; or if any Person by himself, or by any Person employed by him, doth, or shall, by any Gift or Reward, or by any Promise or Security for any Gift or Reward, corrupt any Person or Persons to give his or their Vote or Votes in any such Election, or shall use any Threats or Menaces, to induce or compel any Person or Persons to give, or not to give, his or their Votes at any such Election; such Person so offending, shall, for every Offence, forfeit Fifty Pounds Current Money of Maryland, to any Person who will sue for the same: To be recovered, as aforesaid.

And be it further Enacted, by the Authority aforesaid, That any Person offending against this Act, shall, within Twelve Months next after such Election, discover any other Person or Persons offending against this Act, so that such Persons be thereupon convicted, such Person so discovering, and not having been before that Time convicted of any Offence against this Act, shall indemnified and discharged from all Penalties and Disabilities which he shall then have incurred for any Offence against this Act.

And for the more effectual Observance of this Act, Be it Enacted, That the Mayor, Recorder, and Aldermen, shall cause the same to be read openly, after the reading the Writ of Election, and before the Electors proceed to vote.

And be it likewise Enacted and Provided, That all Prosecutions for any Breach of this Act, shall be commenced within One Year after such Breach shall be committed, and not after; any thing herein contained to the contrary, notwithstanding.

Chap. V An Act for ascertaining the Form of the Oath of Judge or Justice.

P. 4

Whereas, the Oath of Judge or Justice (appointed to be taken by the Statute of the Eighteenth of Edward the Third) does not in many particulars, provide for the Constitution of this Province,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That at some convenient Time, after the End

of this present Session of Assembly, and before the last Day of November next, the following Oath shall be taken, as the proper Oath of Office, by the Members of the Court of Appeals, as Judges to correct Errors in Judgment and other Proceedings at Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen, of the City of Annapolis, for the Time being, changing only what is to be changed, according to the different Stations of such Magistrates, viz.

You shall swear, That as a Justice of the Provincial Court of Maryland, in all Articles of his Lordship's Commission to you directed, you shall do equal Law and Right to all the King's Subjects, Rich and Poor, according to the Laws, Customs, and Directions, of the Acts of Assembly of this Province, so far forth as they provide, and where they are silent, according to the Laws, Statutes, and reasonable Customs of England, as used and practised within this Province; and not delay any Person of common Right for any Cause or Pretence whatsoever. And in Case any Letters or other Commandments, shall come to you, contrary to Law, that you do nothing by them, but cause them to be entred on Record; and certify the King, the Lord Proprietary, or the Governor (for the Time being) of them, and proceed to execute the Law, notwithstanding the same Letters or Commandments. That you shall hold your Courts according to the Acts of Assembly, and the Directions in your Commission. That you shall do and procure the Profit of the Lord Proprietary, in all Things where you may lawfully and reasonably do the same. And that you shall not debar or hinder the Prosecution of Justice, nor take any Gift, Bribe, or Fee, for delaying or rendering Judgment; but shall behave your self justly, honestly, and faithfully, to the best of your Knowledge and Understanding, so long as you shall continue in the said Office. So help you God.

And be it likewise Enacted, That the same Oath shall be taken by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen, of the City of Annapolis, for the Time being, as their proper Oath of Office to be administred, as hath been heretofore used; and that the same be administred to the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen, of the City of Annapolis, now in being, by Virtue of, and according to the p. 5 Directions of the several Commissions, Writs of Dedimus Potestatem, or the other Authorities, that the late Form of their Oath of Office was administred by: And that after the last Day of November next none of the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law,

Session nor the Justices of the Provincial or County Courts, nor the Mayor,
Laws Recorder, and Aldermen, of the City of Annapolis, be capable of acting in their respective Stations, without having first taken the said Oath, as their proper Oath of Office, in Manner aforesaid.

Provided, That if the Judges in the High Court of Appeals, Provincial Courts, and Courts of Assize, County Courts, and Mayors Court of Annapolis, take the said Oath, at any Time before they proceed to the Judicial Determination of any Matters of Law, in their respective Courts, the same shall be taken as a full Compliance with the Directions of this Act; any thing herein before contained to the contrary, notwithstanding.

Chap. VI An Act for the erecting a Town on the South Side of Chester River, in Queen Anne's County, for laying in Lots, Sixty Acres of Land, at the Mouth of the South-East Branch, on the South Side thereof, on a Point of Land, known by the Name of Hawkins's Prize House Point.

Whereas several of the Inhabitants of Queen Anne's County, have, by their Petition to this General Assembly, set forth, That a Town is much wanting on the South Side of Chester River, and that it is generally agreed, that That Part of a Tract of Land whereon John Hawkins now lives, and supposed to be the Right of John Hawkins, Junior, Son to the aforesaid John Hawkins; which said Tract is commonly known by the Name of Tully's Delight,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. Edward Wright, Mr. William Hemsley, Mr. Solomon Clayton, Mr. Thomas-Hynson Wright, and Mr. Augustine Thompson, or any Three of them, shall be and are hereby appointed Commissioners for Queen Anne's County aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Sixty Acres of Land, out of the Tract aforesaid, and such Part, not exceeding Sixty Acres, as lies most convenient to the Water, as for surveying and laying the same out, in the most convenient Manner, into Sixty equal Lots to be erected into a Town.

And be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the Major Part of them, are hereby impowered sometime before the last Day of October, which shall be in the Year of our Lord God One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto; and shall then and there treat and agree with the Owner or Owners, and Persons, interested in the said Sixty Acres of Land, for the same, and after Purchase thereof, shall cause the same to be surveyed, laid out, and

divided, as near as may be, into Sixty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards any Street, Lane, or Alley ; the said Lots to be numbered One, Two, Three, and so on, to Sixty, for the better and more sure distinguishing each Lot from the other. Of which Sixty Lots, the Owner or Owners of the said Land, shall have his of their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others. And that no Person shall presume to purchase more than One Lot within the said Sixty Acres, during the first Four Months after laying out the same. And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Sixty Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid ; that then the Commissioners aforesaid, or the major Part of them, shall, and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals to the Sheriff of the said County ; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to empanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited : Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Sixty Acres of Land, and to all Persons interested therein, according to their several and respective Interests. And what Sum of Tobacco the said Jury shall adjudge the said Sixty Acres of Land to be worth, shall be paid to the Owners so found by our Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the Requisites in this Act mentioned.

And be it further Enacted, That the Surveyor of Queen-Anne's County, for the Time being, shall have and receive for surveying and laying out the Town aforesaid, the Sum of Fifteen Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy ; and that he return a Plat thereof to the County Clerk, to be by him kept, amongst the County Records. And in Case the Taker-up of such Lot or Lots, refuse and neglect to build upon such Lot or

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Laws Lots, within Eighteen Months, an House that shall cover Four Hundred square Feet; that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the publick Use and Benefit of the said Town, and to be taken up a Second Time.

- p. 7 Provided always, That such Taker-up or Purchaser, build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then, and in such Case, the Owner or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid, be called by the Name of Ogle Town, upon Chester.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots: Which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Queen-Anne's County Court, for the Inspection of any Person.

Saving to His most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any the Lots to be taken up in the aforesaid Town, shall pay Yearly unto the Agent of the Right Honourable the Lord Proprietary, for the Time being, for the Use of the said Lord Proprietary, One Penny current Money of Maryland, per Annum, for each Lot; and that the

Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

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An Act for the Trial of all Matters of Fact in the several Counties where they have arisen, or shall arise, the Continuance of Causes in the Provincial Court, and Adjournment of that Court.

Chap. I
[Expired in
1740, having
been con-
tinued by
1736, ch. 22]
p. 8

Whereas, the Trial of Facts in the Neighbourhood where they arise, is the greatest Security of the Lives, Liberties, Fortunes, and Estates of the Subjects most agreeable to the British Constitution, and a very great Ease to all persons concerned : And that the Increase of Business in the Provincial Court, renders the Decision of Causes there, without very great Delay and Expence, impracticable ;

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Two Justices of the Provincial Court, on each Side of the Bay, (such as the Governor, for the Time being, shall think fit to appoint,) shall be Justices of Assize Nisi Prius, and Justices of Oyer and Terminer, and Gaol Delivery ; and that the said Two Justices or either of them, (in Case of Sickness, or other Inability,) shall and may, at the respective Times in this Act mentioned, hear and try all Matters of Fact in all Actions Real, Personal, and Mixt, and all Actions Popular, for the Breach of any Law that is now depending, or that shall be commenced, in the Provincial Court, in the several Counties where the Facts have arisen, or shall arise, and not elsewhere ; except in any Special Case, where it shall appear, that Justice cannot in all Probability be so equally administred to the Parties, as if the Trial should be appointed in some other Place, as fully and amply as any Justices of Assizes and Nisi Prius in England used, or by Law, ought or may try, hear, and determine. And that all Treasons, Murthers, Felonies, and other Crimes, Offences, and Misdemeanours, of what Nature or Quality soever, that have been, or by Law might be, tried in the Provincial Court, shall be heard, and tried, and determined, by the said Justices, in the several Counties where they shall be committed, as fully and amply as the said Offences, or any of them, might have been tried, heard, and determined, by the Provincial Court, or any Court of Oyer and Terminer, and Gaol-Delivery, according to the Laws of England, and this Province.

Provided always, That nothing in this Act shall be construed to divest the County Courts of any Jurisdiction they have ; and that they may hear and determine all Matters and Things within their Cognizances, as they have heretofore done ; any thing in this Act to the contrary, notwithstanding.

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And be it Enacted, That Two of the Provincial Justices to be appointed, as aforesaid, on the Western Shore, or One of them, in Case of the Other's Sickness or Inability, shall meet and hold their Courts at Baltimore County Court-house, the First Tuesday in April and September, Yearly; at Annapolis, for Anne-Arundel County, the Mondays after the said First Tuesday; at Calvert County Court-house, the Friday after the Second Tuesdays of the said Months; at Saint Mary's County Court-house, the Wednesdays after the Third Tuesdays in the said Months; at Charles County Court-house, the Mondays after the Third Tuesdays in the said Months; and at Prince George's County Court-house, the Fridays following. And that Two of the Provincial Justices on the Eastern Shore, to be appointed, as aforesaid, or One of them, in Case the Other should be sick, or incapable to attend, shall meet and hold their Courts at Somerset County Court-house, the First Tuesdays of the said Months, Yearly; at Dorchester County Court-house, the First Mondays after; in Talbot County, the Thursdays after the Second Tuesdays; at Queen-
p. 9 Anne's County Court-house, the Wednesdays after the Third Tuesdays; in Kent County, the Mondays after the Third Tuesdays in the same Months; and at Cæcil County Court-house, the Fridays following; to hear, determine, and dispatch, such Business as shall be before them.

And be it Enacted, That in all Actions now depending in the Provincial Court, where the General Issue, or other General Plea, tending to an Issue on the Country, is pleaded, the Issues shall be made up and compleated by the Twentieth Day of August next: And that all Declarations in Actions to be commenced in the Provincial Court, shall be filed with the Clerk, within Thirty Days after every Appearance Court; and the issue made up, where the General Issue, or other General Plea, tending to an Issue on the Country, shall be pleaded, shall be made up within Thirty Days after the filing the Declaration: But where Special Pleadings are necessary, the Court (upon Motion) may grant such Time as may be thought reasonable. And that the Plaintiff, in every Cause to be tried before the said Justices, shall give the Defendant, or his Attorney, Notice Fourteen Days before the First Tuesdays in April and September, Yearly, of his Intention to insist on a Trial; and that, if after such Notice given, the Cause shall be delayed until another Assize, the Party causing such Delay, shall pay all the Cost and Charge that shall be occasioned thereby.

And be it Enacted, That the several Sheriffs shall summons Fifty of the most capable and substantial Freeholders within their Bailiwicks, Ten Days before the Beginning of the Assizes, as Grand and Petit Jurors: And that every Freeholder that shall be so summoned, and shall neglect or refuse to appear, shall incur the same Penalties and Forfeitures, as Jurors summoned to the Provincial Court are

liable to: And that no Person that is not incapable, or disqualified by Law, to serve as a Juror, shall have any Exemption, except Coun-
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 cillors, Provincial Justices, Clergymen, and practising Physicians or Chyrurgeons; nor shall Grand Jurors be exempt from serving as Petit Jurors, in Civil Cases, at the same Assizes of Oyer and Terminer, and Gaol Delivery, they are returned to serve in. And that every Grand Jury shall have an Allowance, not exceeding Four Hundred Pounds of Tobacco for every Assize; and every Petit Juror Fifteen Pounds of Tobacco for every Days Attendance, to be assessed in the County Levy, as usual, besides the lawful Fees for Verdicts in Civil Cases.

And to prevent Partiality in Trials, by Jurors, Be it Enacted, That the Name of each and every Person who shall be summoned and impannelled as a Petit Juror, shall be written in several distinct Pieces of Paper, being, as near as may be, of equal Size and Bigness, and shall be delivered to the Clerk of the Assize, or such other Person, as the said Justices shall appoint; and by the Care of the Clerk, or such Person as shall be appointed, as aforesaid, be all rolled up, as near as may be, in the same Manner, and put into a Glass or Box, to be provided for that Purpose. And when any Cause shall be brought to be tried, some indifferent Person, by Direction of the Court, may and shall, in open Court, draw out Twelve of the said Papers, one after another: And if any of the said Persons, whose Names shall be so drawn, shall not appear, or be challenged and set aside, then such further Number, until Twelve Persons shall be drawn, who shall appear, and after all Causes of Challenge, shall be allowed as fair and indifferent: And the said Twelve Persons so
 p. 10
 first drawn and appearing, and approved as indifferent, their Names being marked in the Pannel, and they being sworn, shall be the Jury to try the said Cause; and the Names of the Persons so named, and drawn, and sworn, shall be kept in some other Box or Glass to be kept for that Purpose, till such Jury shall have given in their Verdict, and the same is recorded; or until such Jury shall, by Consent of Parties, or Leave of the Court, be discharged; and then their Names shall be rolled up again, and returned to the former Box or Glass, there to be kept with the other Names remaining at that Time undrawn, and so, as often and as long as any Cause shall remain then to be tried.

Provided always, That if any Cause shall be brought to Trial, before the Jury in any other Cause shall have brought in their Verdict, or be discharged, it shall and may be lawful for the Court to order Twelve of the Residue of the said Papers, not containing the Names of any of the Jurors who shall not have brought in their Verdict, or be discharged, to be drawn in such Manner, as is aforesaid, for the Trial of the Cause which shall be so brought on to be tried.

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And to the End, that the Sheriffs may be obliged to discharge their Duty in returning the best and most capable Freeholders to be Jurymen, Be it Enacted, That every Sheriff who shall neglect to return the best and most capable Freeholders for Grand and Petit Jurymen, shall, for every such Neglect, be fined by the Justices of Assize, at their Discretion, not exceeding Five Thousand Pounds of Tobacco, to be applied to defray the County Charge.

And be it Enacted, That each Justice of Assize shall be allowed, by the Publick, Five Thousand Pounds of Tobacco, to be paid in the Counties respectively where they reside, for every Circuit, and no more.

And be it Enacted, That it shall and may be lawful for the said Justices to make all such Rules and Orders as may be convenient and necessary for the Furtherance of Justice and Right, and to impose reasonable Fines, Forfeitures, and Penalties, upon such as shall transgress them.

Provided always, That such Rules and Orders shall be agreeable to the Laws of England, and this Province; and that all Sheriffs, Bailiffs, and other Officers and Persons whatsoever, shall yield due Obedience to all Process, Warrants, and Precepts, that shall be issued by, or returnable to, the said Justices.

And be it Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of Assize, Nisi Prius, and Gaol Delivery, shall, in all Criminal and Civil Cases to be tried before them, where any Person concern'd shall desire the same, allow and direct Special Verdicts to be found: And in all Criminal Cases, where the Party accused shall desire the same, to sign and allow Bills of Exception, as they are allowed in Civil Action: And that in all Cases where Special Verdicts are found, and Bills of Exception allowed, that no Judgment shall be rendered until the next Provincial Court; to the Consideration of which Court it is to be referred; any Law, Usage, or Custom, to the contrary, notwithstanding.

p. 11 And be it likewise Enacted, That where any General Verdict shall be found in any Criminal Case, against any Person before the said Justices, wherein the Judgment is not certainly known and settled by Law, or wherein the said Justices, or either of them, shall be in any Doubt, or under any Difficulty, what Judgment to give upon such Verdict, that then, and in such Case, no Judgment shall be given; but that the Judgment shall be referred to be given on such Verdict, to the Consideration of the Provincial Court, who shall and may give Judgment therein; any Law, Usage, or Custom, to the contrary, notwithstanding.

And to the End, that the Justices of Assize Nisi Prius, Oyer and Terminer, and Gaol Delivery, may not be hindered from proceeding in the Decision of Matters not determinable elsewhere, (which the

Time allowed by Law for their Sessions is hardly sufficient to dis-
patch,) in hearing Petty Offences triable in the County Courts, Session
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Be it Enacted, That all Felonies, Trespasses, and other Evil Deeds, triable in the County Courts, by the Laws now in Being, shall be tried, heard, and determined, by the County Courts, and not elsewhere, except Riots, and other Offences, to be committed in the View of the Justices of Oyer and Terminer, or during their Sitting; and other Crimes and Misdemeanours, where it shall appear to the Justices of the Provincial Court, or Justices of Oyer and Terminer, from the Nature of the Offence, or the Circumstance of the Offender, that a Trial at the Provincial Court Bar, or before the Justices of Oyer and Terminer, shall be absolutely necessary.

Provided always, and be it Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the Provincial Court, for the expediting the Causes to be tried before them, to order the Sheriff of Anne-Arundel County, immediately to summon a competent and sufficient Number of good and lawful Men, de Circumstantibus, or of the nearest Inhabitants, to serve as Jurors, and return a Pannel of them, for the Trial of any Issue to be had and tried before the said Justices of the Provincial Court.

Provided always, That where any Presentment shall be found by the Grand Jury, at any Court of Oyer and Terminer, for a Matter triable by the County Court, and that shall, by the Justices of Oyer and Terminer, be referred to the County Courts for Trial, the Party presented, shall not be obliged to pay any Fees or Charges, except what shall arise on the Prosecution in the County Court; any Law, Usage, or Custom, to the contrary, notwithstanding.

Saving to all Persons accused before the Justices of the County Courts, the Benefit of Writs of Removal and Trials in the Provincial Court, or before the Justices of Oyer and Terminer, and Goal Delivery.

And whereas, by the Act for the Advancement of Justice, It is Provided and Enacted, That in all Actions to be commenced in the Provincial Court, for the Recovery of any certain Sum of Money or Tobacco within the Jurisdiction of that Court, wherein the Plaintiff should be desirous of a speedy Trial, that if the Plaintiff should send a Copy of the Declaration of the Case, with the Writ, and cause the same to be served on, or delivered to the Defendant, or left at his or her last Place of Abode, Twenty Days at the least before the Appearance Court, it should be lawful for the Justices of the said Court, and they are by that Act required to proceed to Trial the same Court; and if the Defendant should refuse or neglect to answer, or plead to render Judgment for the Plaintiff, with Cost of Suit, unless sufficient Cause should be shewn by the Defendant, why there should be an Imparlance. p. 12

Session
Laws

And that, as Jurors are not summoned to the Provincial Court, but the Facts tried in the several Counties where they arise; so that, when the Defendant pleads a Matter of Fact, triable by a Jury, the Issue cannot be tried at the Appearance Court, Be it therefore Enacted and Declared, That where Copies of Declarations are served, or left, according to the Directions of the said Act, and no sufficient Cause shewn, for an Imparlance, and that the Defendant should plead a Matter of Fact, which is required to be done at the Appearance Court; that then, and in such Case, the Fact shall be tried at the first Assizes that shall happen after the Appearance Court in the County where the Fact hath arisen, or shall arise; any Law, Usage, or Custom, to the contrary, notwithstanding.

And whereas Justice may be delayed, or People lose their Rights, for want of the Testimony of Witnesses, who may happen to be so sick or impotent, as to be unable Personally to attend at the Trials of Causes, to give their Evidence, Viva Voce, without apparent Hazard of their Lives or Healths;

Be it therefore Enacted by the Authority, Advice and Consent aforesaid, That where any Witness shall be summoned by any Plaintiff or Defendant, and shall be really so impotent, sick, or infirm, that he or she shall not be able to attend, according to such Summons, without apparent Hazard of the Life or Health of such Witness, (to be made appear to the Satisfaction of the Court;) that then, and in every such Case, the Party summoning such Witness, may have the Affidavit on Oath, or Affirmation, if the Witness be a Quaker, of such sick or impotent Witness taken before any Magistrate, not being of Kin to the Parties; and that any Affidavit so taken, the adverse Party always having timely Notice and Opportunity to cross-examine, such Witness shall be received as Evidence on the Trial of the Cause wherein such Witness shall be summoned, as if the Witness was present, and should deliver his or their Testimony, Viva Voce; any Law, Custom, or Usage, to the contrary, notwithstanding.

Provided always, That if any such Witness shall wilfully and corruptly swear or affirm falsely; that then, and in every such Case, he or she shall be liable to the same Prosecution, Penalty, and Forfeiture, as Persons guilty of, or committing corrupt and wilful Perjury, are liable to.

And be it Enacted, That the next Provincial Court shall begin the Third Tuesday of October next after the End of this Session of Assembly, and not before; and that all Actions now depending in that Court, of what Nature soever, shall be, and are, by this Act, continued until the said Third Tuesday of October: And that all Writs, Process, and Precepts, already issued, or to be issued, out of the Provincial Court, returnable to the next Court, shall be returnable to the said Third Tuesday of October: And that all Sheriffs, Cor-

oners, and other Officers, that have arrested, or shall arrest, any Person or Persons, by Virtue of any Writ, Precept, or Process, returnable to the Second Tuesday of September next, shall be under the same Obligation to have the Party arrested, at Annapolis, the said Third Tuesday of October: And that all Bail Bonds taken, or that shall be taken, for the Appearance of any Person or Persons at the Provincial Court to be held the Second Tuesday of September next, shall be discharged, by Appearance of the Party or Parties, the Third Tuesday of October next; and forfeited, and assignable for the Non-Appearance of the Party or Parties then, as if such Writ, Process, and Precepts, were then returnable: And that the Provincial Courts, for the future, shall begin the Third Tuesday of May and October, Yearly; any Law, Usage, or other Cause, Matter, or Thing, to the contrary, notwithstanding.

Provided always, That it shall and may be lawful for the Justices of the Provincial Court, as often as they shall have special Occasion for so doing, to adjourn the said Provincial Court, from the Days aforesaid, to any other convenient Time, as to them shall seem meet; any thing herein contained to the contrary, notwithstanding.

And be it Enacted, by the Authority of the aforesaid, That that Part of an Act of Assembly, intituled, An Act causing Grand and Petit Jurors to come to the Provincial and County Courts, and ascertaining their Allowances, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Sixth Day of April, Anno Domini Seventeen Hundred and Fifteen, which relates to summoning Grand and Petit Jurors to attend at the Provincial Court, be and is hereby Repealed, and made Void.

And whereas, since last Provincial Court, sundry Persons have been committed for Crimes and Misdemeanours by them done; and Witnesses have been bound over, to testify against such Persons at next Provincial Court,

Be it therefore Enacted, That all such Commitments and Recognizances returnable before the said Provincial Court, shall be obliged to be returned by the respective Magistrates taking such Recognizances, before the Judges of Assize, in the respective Counties where the Offences have been committed; and the Offenders and Witnesses be obliged to appear, by Virtue of said Recognizances, accordingly.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Secretary, for the Time being, shall cause every Record that shall be ordered by any Attorney of the Provincial Court, to be made out for any Trial of any Issues at the Assizes, to be transmitted to the Clerk of the Assize of the Circuit where the Issue is to be tried, (who is, by this Act, obliged to receive and carry the same the Circuit,) before the Assizes for that Shore, wherein the Issue is to be tried, begins, under the Penalty of paying unto the Party

Session that suffers, for want of the Record being transmitted, such Costs
 Laws and Damages, as shall be, by the Justices of his Lordship's Provincial
 p. 14 Court, judicially sitting, ordered and adjudged; which said Justices
 are hereby, upon Complaint made to them, required, after a summary
 Manner, to proceed to Judgment thereon.

Provided always, That the Secretary shall not be obliged to answer
 any Damages or Costs to any Person, by Virtue of this Act, unless
 Orders in Writing, for transmitting the Records, as aforesaid, be left
 with the Clerk of the Provincial Court, at least Thirty Days before
 the Beginning of the Assizes, on the Shore where the Issue is to
 be tried.

Provided also, That the Records being lodged with the Clerk of
 Assize, after the Manner aforesaid, shall not impower the Judges to
 compel a Trial, against the Will of the Plaintiff, unless, where the
 Record is taken out, at the Request of the Defendant, in order for
 Trial, by Proviso.

This Act to continue for Three Years, and to the End of the next
 Session of Assembly that shall happen after the said Three Years.

Chap. VIII An Act to prevent cutting up Tobacco Plants, destroying of Tobacco
 [Continued and Tobacco Houses; and for ascertaining the Punishment of
 by 1736, ch. Criminals guilty of the said Offences.
 5 and 1740, ch. 5; ex-
 pired in 1744]

Whereas, several evil-minded Persons, have of late gone about,
 in many Places, in great Numbers, and violently cut up the Tobacco
 Plants growing on several Plantations, and seduced several honest
 People to countenance their outrageous Proceedings: Some of which
 evil-minded Persons have given out, in threatening and menacing
 Speeches, that Peoples Houses and Tobacco shall be burnt and
 destroyed. For the preventing of such Outrages, and punishing
 such as shall be guilty thereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by
 and with the Advice and Consent of his Lordship's Governor, and
 the Upper and Lower Houses of Assembly, and the Authority of
 the same, That any Person or Persons, who shall, after the End of
 this present Session of Assembly, cut or destroy, or cause to be cut
 or destroyed, any Tobacco Plants belonging to any other Person
 or Persons, or by Threats, Menaces, or other sinister Means, shall
 cause or excite any Person or Persons to cut up or destroy any To-
 bacco or Tobacco Plants, belonging to any other Person or Persons,
 and shall be thereof convict by due Courts of Law, shall forfeit and
 pay unto the Party grieved, One Hundred Pounds Sterling, and
 suffer Six Months Imprisonment, without Bail or Mainprize; and
 shall also remain in Prison, as in Execution, until the said Sum be
 satisfied, in Case the Offender be of sufficient Ability to pay the same:
 And if the Offender shall not be of sufficient Ability, then, and in

every such Case, the Offender shall remain and continue in Prison Session Laws for the Space of One whole Year, without Bail or Mainprize.

Provided also, That the Party grieved, shall and may have and maintain his or her Action of Trespass, or other proper Action at Law, for Recovery of Damages against the Offender; any thing herein contained to the contrary, notwithstanding.

And be it Enacted, That any Person or Persons who shall, after the p. 15 End of this Session of Assembly, wilfully burn any Tobacco belonging to any other Person, whether hanging, or in bulk, or packed, or any Tobacco House or Houses, having therein any Tobacco hanging, or in bulk, or packed, and be thereof convicted by due Course of Law; and every Aider and Abettor of such Offender, shall suffer Death as a Felon, without Benefit of Clergy.

This Act to continue Three Years, and to the End of the next Session of Assembly, which shall happen after the End of the Three Years.

An Act Reviving an Act for destroying Bears in Somerset County. Chap. IX

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same. That the Act, intituled, An Act for destroying Bears in Somerset County, made at a Session of Assembly, begun and held at the City of Annapolis, the Third Day of October, in the Year of our Lord One Thousand Seven Hundred and Twenty Eight, be and is hereby Revived and continued to be and remain in full Force, Power, and Virtue.

An Act for the Assessment of One Hundred Thousand Pounds of Chap. XII Tobacco on the Taxable Inhabitants of Christ-Church Parish, in Calvert County, for the building of a Church and Vestry-Room; and for the purchasing Two Acres of Land.

Whereas, the Vestrymen, Churchwardens, and several other Inhabitants of Christ-Church Parish, in Calvert County, by their Petition to this General Assembly, have set forth, That their Church and Vestry-Room have lately been unfortunately burnt, and that they are desirous to build another as soon as possible; and humbly prayed, an Act might pass to impower the Vestrymen and Churchwardens of the said Parish, to agree with some Person or Persons to build a new Church and Vestry-Room on that Acre of Land where the late Church stood; and also to purchase Two Acres of Land next adjoining to the Acre whereon the Church stood, the better to secure the new Church, when built, from the like Accident; and also to enable the Justices of the Peace for the County aforesaid, to cause to be levied on the Taxable Persons in the Parish aforesaid, the Quantity of One Hundred Thousand Pounds of Tobacco, for the

Session Uses aforesaid, but that not above the Quantity of Forty Thousand
 Laws Pounds of that Tobacco should be levied in any One Year,

p. 16 Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Calvert County Court, for the Time being, on Application of the Vestrymen and Churchwardens of the Parish aforesaid, or the major part of them, shall cause to be levied on the Taxable Persons of the said Parish, the Quantity of One Hundred Thousand Pounds of Tobacco; but that they exceed not the Quantity of Forty Thousand Pounds of that Tobacco in any One Year. And that the Sheriff of the same County, for the Time being, shall pay unto the Vestrymen and Churchwardens of the said Parish, for the Time being, for the Uses aforesaid, such Quantity of Tobacco as shall be levied.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Vestrymen and Churchwardens aforesaid, or the major Part of them, agree with some Person or Persons for the building a Church and Vestry-Room on the same Acre of Land whereon the late Church stood; also, that they purchase Two Acres of Land, adjoining to the One Acre aforesaid, for the better Security of the Church to be built; and that they apply the Tobacco aforesaid, to be levied, as aforesaid, to the Purchase and Building aforesaid, and to no other Use.

And be it further Enacted, That the Justices aforesaid, shall cause to be levied as aforesaid, Five per Cent. beyond the aforesaid One Hundred Thousand Pounds of Tobacco, to satisfy the Sheriff for Collection.

And be it further Enacted, That in Case the Vestrymen and Churchwardens of the said Parish, for the Time being, or the major Part of them, cannot agree with the Owner or Owners of Two Acres of Land next adjoining to the said One Acre, by Reason of the Obstinacy of the Person or Persons to whom the same belongs, or any Impediment whatsoever; that then they give Notice to the Sheriff of the same County to summons a Jury of Twelve substantial and indifferent Freeholders of the County aforesaid, to be and appear at a certain Day, at the Place where the Church stood, and the Sheriff aforesaid, is hereby authorized, required, and impowered, to administer to the said Jurors, the following Oath, viz.

You A. B. shall true Enquiry make, as to the Real Value of any Two Acres of Land, next adjoining to this One Acre whereon the Parish Church formerly stood, and to whom the same doth belong. So help you God.

And that the said Vestrymen and Churchwardens, or the major Part of them, shall cause the said Two Acres of Land to be surveyed

by some skilful Person, and bounded; and that on Payment of what they can agree for, or what shall be assessed by the Jury, as aforesaid, or Tender thereof to the Owner or Owners thereof, that then they shall have an absolute Estate to them and their Successors for ever, in the same Two Acres of Land: And that the Vestrymen and Churchwardens aforesaid, or the major Part of them, shall cause their Proceedings, in Relation to the said Two Acres of Land, to be entered amongst their Proceedings; which shall be deemed sufficient Testimony at any time to prove their Title.

A Supplementary Act to the Act, intituled An Act to encourage the making of Linen Cloth, within this Province, of Flax or Hemp of the Growth thereof.

Session Laws
Chap. XI
p. 17
[Supple-
ments 1731,
ch. 3; con-
tinued by
1735, ch. 14;
expired in
1740]

Whereas, It is Enacted and Provided by the Act, intituled, An Act to encourage the making of Linen Cloth, within this Province, of Flax or Hemp of the Growth thereof, That all Persons claiming the Bounty, appointed by the said Act, to be given and allowed for making Linen Cloth, shall bring the Linen, for which they shall claim such Bounty, to every March Court, during the Continuance of the said Act: Which Time is found to be inconvenient, for that Linen cannot well be whitened in the Winter Season;

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person claiming any Bounty for making Linen Cloth, by Virtue of the said recited Act, may bring the same Linen to every June Court, during the Continuance of the said Act: And that every Person bringing such Linen to every June Court respectively, shall be entitled to the same Bounty or Reward for any Linen so brought, as if the same was brought to every respective March Court; any thing in the said Act to the contrary, notwithstanding.

An Act for erecting a Town on a Creek, divided on the East, from the Town lately laid out in Baltimore County, called Baltimore Town, on the Land whereon Edward Fell keeps Store.

Chap. XIV
[Incorpo-
rated with
Baltimore
Town by
1745, ch. 9]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. Thomas Sheredine, Mr. John Cockey, Mr. Robert North, Capt. John Boring, and Mr. Thomas Todd, or any Three of them, shall be and are hereby appointed Commissioners for Baltimore County aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Ten Acres of Land out of the Tract aforesaid, and such Part, not exceeding Ten Acres, as lies most convenient to the Water, as for surveying and laying out the

Session same, in the most convenient Manner, into Twenty equal Lots, to be
Laws erected into a Town.

And be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Thirtieth Day of November, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place adjoining thereto, and then and there treat and agree with the Owner or Owners, and Persons interested in the said Ten Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Twenty
p. 18 equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley, the said Lots to be numbered One, Two, Three, and so on to Twenty, for the better and more sure distinguishing each Lot from the other; of which Twenty Lots, the Owner or Owners of the said Land, shall have his or their first Choice for One Lot; and after such Choice, the remaining Lots may be taken up by others: And that no Person shall presume to purchase more than One Lot within the said Ten Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid: And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Ten Acres, shall wilfully refuse to make Sale of the same; or that through Nonage, Coverture, or other Disability or Impediment whatsoever, are disabled to make such Sale, as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Ten Acres of Land, and to all Persons interested therein, according to their several and respective Interests. And what Sum of Tobacco the said Jury shall adjudge the said Ten Acres of Land to be worth, shall be paid to the Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the

said Lots, proportionably to their Lot or Lots; which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the Requisites in this Act mentioned. Session
Laws

And be it further Enacted, That the Surveyor of Baltimore County, for the Time being, shall have and receive for surveying and laying out the town aforesaid, the Sum of Four Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk to be by him kept amongst the County Records. And in Case, the Taker-up of such Lot or Lots, refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same for the Publick Use and Benefit of the said Town, and to be taken upon a Second Time.

Provided always, That such Taker-up or Purchaser build and finish, p. 19 within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the first Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid be called by the Name of Jonas Town.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, empl[o]y some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Baltimore Couty Court, for the Inspection of any Person.

Session Laws Saving to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Money of Maryland, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

Chap. XIII An Act for laying an Imposition on Tobacco by the Hogshead, for Support of Government, and for Payment of his Lordship's Quit-Rents and Alienation Fines, for the Time therein mentioned.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the
p. 20 same, That from and after the Twenty Ninth Day of September next ensuing, until the Twenty Ninth Day of September, which shall be in the Year of our Lord God One Thousand Seven Hundred and Thirty Three, there shall be collected and raised to the Right Honourable the Lord Proprietary, his Heirs and Successors, for every Hogshead of Tobacco which shall be exported out of this Province, the Sum of Twelve Pence Sterling, and for every Hundred Weight exported, in any other Package than Hogsheads, Two Pence Sterling, and in Proportion for a greater or lesser Quantity, to be applied to the Support of Government:

Provided, That in his Lordship's Absence out of this Province, the said Twelve Pence per Hogshead, shall be applied to support the Dignity and Station of the Governor, for the Time being, actually residing within this Province, and to such other necessary Uses, for the Support of Government, as his Lordship shall appoint. And in Case of the Death or Absence of any Governor, the one Moiety of the said Twelve Pence per Hogshead, during such Vacancy, to be applied to the Maintenance and Support of such his Lordship's Council as shall be appointed to preside within this Province, and to such other necessary Uses as his Lordship shall appoint; the other Half to be for the Support of Government, to be lodged in the Treasurer's Hands, and applied towards building an House for the Governors of this Province to reside in, or to such other Uses as shall be appointed by the Governor or President, for the Time being, and the Upper and Lower Houses of Assembly.

And be it further Enacted, That the said Duty or Import shall be satisfied and paid by all Masters of Ships, or other Vessels, exporting Tobacco out of this Province, at the Clearance of such Ship, or other Vessel, in Money Sterling, or good Bills of Exchange, with sufficient Security for the due Payment of them to such Officer or Officers as his Lordship shall direct and appoint to receive the same. Session Laws

And be it further Enacted, That from and after the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Three, there shall be raised, levied, collected, and paid, for every Hogshead of Tobacco which shall be exported out of this Province, Two Shillings Sterling; and for every Hundred Weight, Four Pence Sterling; and so in Proportion for a greater or lesser Quantity, to be paid, as aforesaid, to such Officer or Officers as his Lordship shall appoint to receive the same, in Discharge and Satisfaction of his Lordship's Quit-Rents and Alienation Fines, for the Time aforesaid. And the Master or Masters of every such Ship or Vessel coming into this Province, shall, at his or their first Arrival here, and before their lading on Board any Goods or Commodities of the Growth, Production, or Manufa[c]ture, of this Province, give good and sufficient Security for the Payment of the several Duties, before by this Act imposed.

Provided always, That if any Vessel exporting Tobacco, as aforesaid, shall founder, or be shipwrecked, or otherwise destroyed, and the Tobacco therein shall be lost; that then, and in every such Case, the Proprietor or Proprietors of such Tobacco having paid the said Duties, shall and may ship as much as shall be so lost, Duty free.

And be it further Enacted, That the said Duties shall be collected p. 21 and received at the Expence of the Lord Proprietary, and not otherwise.

An Act for the Erecting a Town at the Head of Wiçcomoco River, in Chap. XV Somerset County, for laying into Lots, Fifteen Acres of Land in the Fork thereof, and at the Landing commonly now called Handy's, or Carr's Landing.

Whereas, several Inhabitants of Somerset County, have, by their Petition to this General Assembly, set forth, That there is a very convenient Place for a Town, at the Head of Wiccomoco River; and that it is generally agreed, that that Part of a Tract of Land at the Head of the said River, in a Fork thereof, now in the Possession of William Winder, the Son of John Winder, who is a Minor, and supposed to be the Right of the said William Winder: Which said Tract is commonly called, or known, by the Name of Pemberton's Good-Will,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Gov-

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ernor, and the Upper and Lower Houses of Assembly, and the authority of the same, That Mr. John Caldwell, Mr. Ebenezer Handy, Mr. Thomas Gillys, Mr. Isaac Handy, and Mr. John Disharoon, or any Three of them, shall be and are hereby appointed Commissioners for Somerset County aforesaid, and are hereby authorized and empowered, as well to agree for the buying and purchasing Fifteen Acres of Land out of the Tract aforesaid, and such Part, not exceeding Fifteen Acres, as lies most convenient to the Water, as for surveying and laying the same out, in the most convenient Manner, into Twenty equal Lots, to be erected into a Town.

And be it further Enacted, That Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby empowered, some Time before the Tenth Day of December, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto, and shall then and there treat and agree with the Owner or Owners, and the Persons interested in the said Fifteen Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Twenty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on to Twenty, for the better and more sure distinguishing each Lot from the other: Of which said Twenty Lots, the Owner or Owners of the said Land shall have his or their first Choice for Two Lots, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Fifteen Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the Inhabitants shall not take up the said Lots within Six
p. 22 Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Fifteen Acres of Land, shall refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, empowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and empowered, upon Receipt of such Warrants to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners at a certain Day and

Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Fifteen Acres of Land, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Fifteen Acres of Land to be worth, shall be paid to the Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the requisites in this Act mentioned.

And be it further Enacted, That the Surveyor of Somerset County, for the Time being, shall have and receive, for surveying and laying out the Town aforesaid, the Sum of Five Hundred Pounds of Tobacco, and no more, to be paid and allowed Him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town, and to be taken up a Second Time.

Provided always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-Up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and p. 23 with the Advice and Consent aforesaid, That the Town aforesaid be called by the Name of Salisbury Town.

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And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk, and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Somerset County Court, for the Inspection of any Person.

Saving to His most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any the Lots taken up in the aforesaid Town, shall be chargeable with and liable to the Payment of One Penny Current Money of Maryland per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

And be it further Enacted, by the Authority aforesaid, by and with the Consent aforesaid, That it shall and may be lawful for the aforesaid William Winder to build and improve upon the Two Lots that shall be set a-part or chosen for him, by Mr. John Handy, or Mr. George Dashiell, his next Friends, so as the same be compleated and finished within Eighteen Months after his Arrival to his full Age; any thing herein contained to the contrary, notwithstanding.

Chap. XVII
[Repealed
by Nov.
1779, ch. 14]

An Act to encourage Adventurers in Iron-Works.

Whereas the making of Iron within this Province, will be advantageous to the Trade of Great-Britain, as well as beneficial to the People of Maryland,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no White Man, who shall be employed in any Manner about Iron-Works, or in providing any Materials of any Nature or Kind soever, for the Furtherance and Carrying on any Iron-Work, or making of Iron, shall be obliged to attend at Musters, except upon very extraordinary Occasions. And that no White Man or Slave so employed, shall be obliged to clear, or assist in clearing any Highways or Roads, or in building of any Bridge or Bridges.

Provided always, That no White Man or Slave who shall be employed in making Tobacco, shall have any Exemption. Session Laws

And be it further Enacted, by the Authority aforesaid, That if any Ordinary-keeper, Victualler, or Publick House-keeper, shall, without Licence first had and obtained in Writing, from the Owner or Owners, or principal Managers of any Iron-Work, harbour or entertain any Person who shall be hired or employed in any Manner about any Iron-Work, or give them Credit for any Liquor, or other Accomodations, exceeding the Value of Five Shillings Current Money in any One Year; every Ordinary-keeper, Victualler, or Publick House-keeper, so offending, shall be liable and subject to the same Losses, Pains, and Penalties, as are provided against entertaining, harbouring, and trusting Sailors, by an Act, intituled, An Act restraining Victuallers and Keepers of Publick Houses, from entertaining Sailors, to the Prejudice of Trade and Commerce.

And be it further Enacted, by the Authority aforesaid, That any Person so entertained, and being a legal Witness, shall be admitted and received as a Witness, in any Suit or Controversy concerning any Offence against this Act, or concerning any Claim or Demand of any Ordinary-keeper, for Expences.

An Act for the erecting a Town in Queen-Anne's County, on Chester River, opposite to Chester Town, in Kent County, on the Land possessed by John Dempster. Chap. XVIII

Whereas, several of the Inhabitants of Queen-Anne's County, have, by their Petition to this General Assembly, set forth, That a Town is very much wanting on the South Side of Chester River, opposite to Chester Town, on a Tract of Land now in Possession of John Dempster, and supposed to be the Right of the said Dempster,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That M^r William Hemsley, Mr. Solomon Clayton, Mr. Edward Wright, Mr. Augustine Thompson, and Mr. James Gold, or any Three of them, shall be and are hereby appointed Commissioners for Queen-Anne's County aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Thirty Acres of Land out of the Tract aforesaid, and such Part, not exceeding Thirty Acres, as lies most convenient to the Water, as for surveying and laying the same out, in the most convenient Manner, into Thirty equal Lots, to be erected into a Town.

And be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Last Day of December, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land p. 25

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Laws aforesaid, or some other convenient Place thereto adjacent, and shall then and there treat and agree with the Owner or Owners, or Persons interested in the said Thirty Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Thirty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on to Thirty, for the better and more sure distinguishing each Lot from the other: Of which Thirty Lots, the Owner or Owners of the said Land shall have his or their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Thirty Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Thirty Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered, and required, to issue their Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Thirty Acres of Land, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Thirty Acres of Land to be worth, shall be paid to the Owner or Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the requisites in this Act mentioned.

And be it further Enacted, That the Surveyor of Queen-Anne's County, for the Time being, shall have and receive, for surveying and

laying out the Town aforesaid, the Sum of Seven Hundred and Fifty Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town, and to be taken up a Second Time. Session Laws p. 26

Provided always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired be possessed and interested in the said Lot or Lots as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and with the advice and Consent aforesaid, That the Town aforesaid be called by the Name of King's Town.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, empl[o]y some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Queen-Anne's County Court, for the Inspection of any Person.

Saving to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

Session
Laws And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Honey of Maryland, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

Chap. XIX An Act to prohibit raising of Swine in Upper-Marlbrough Town,
p. 27 in Prince-George's County.

Whereas, the Freeholders and Inhabitants of Upper-Marlbrough Town, in Prince-George's County, by their humble Petition to the Lower House of Assembly, have set forth, That divers Persons living in the same Town, do raise and keep large Quantities of Swine within the same Town, to the great Prejudice of the Inhabitants thereof,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person or Persons whatsoever, living or to live within the same Town, shall, after the Thirtieth Day of November next, under any Pretence whatsoever, keep or support, within the same Town, any Swine belonging to themselves, or any other Person whatsoever, unless such Swine be kept within such Person or Persons Inclosure so keeping or supporting such Swine.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons that shall be convicted before any Magistrate, on Confession, or Proof, of transgressing against this Act, shall pay One Hundred Pounds of Tobacco for each Transgression: The same to be levied on the Body, Goods, or Chattels, of the Offender, by Way of Execution, as in Case of small Debts, and to be applied to the Use of the Free-School of the County aforesaid.

Chap. XXIV An Act for the erecting a Town at the Bridge near the Head of Great
Choptank River, in Dorchester and Queen-Anne Counties.

Whereas, the Inhabitants of Dorchester and Queen-Anne Counties, by their Petition, have made appear to this Assembly, the great Benefits that may arise to Themselves, and Others, by having a Town erected and laid out at the Bridge, near the Head of Great Choptank River, in Dorchester and Queen-Anne Counties:

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the

same, That Mr. Peter Taylor, Captain Henry Hooper, Mr. John White, Mr. William Hemsley, Mr. Solomon Clayton, and Mr. Edward Wright, or any Three of them, shall be and are hereby appointed Commissioners for the Counties aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Forty Acres of Land; that is to say, Twenty Acres in each County aforesaid, at the said Choptank Bridge, and such Part, not exceeding Forty Acres, as lies most convenient to the said River, as for surveying and laying out the same, in the most convenient Manner, into Forty equal Lots, to be erected into a Town. Session Laws p. 28

And be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Last Day of March, which shall be in the Year of our Lord God One Thousand Seven Hundred and Thirty Three, to meet together at the said Bridge, or some other convenient Place thereto, and shall then and there treat and agree with the Owner or Owners, and Persons interested in the said Forty Acres of Land; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Forty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on to Forty, for the better and more sure distinguishing each Lot from the other: Of which Forty Lots, the Owner or Owners of the said Land on each Side, shall have his or their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Forty Acres to be laid out, as aforesaid, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of each County where the Twenty Acres of Land on each Side of the said River shall be situated. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up any such Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the said Forty Acres of Land, shall wilfully refuse to make Sale of the same, or through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff or Sheriffs of the said County; which said Sheriff or Sheriffs are also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said Counties, to be and

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Laws appear before the said Commissioners at a certain Day or Time by them limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Twenty Acres of Land lying on each Side of the said River, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury or Juries shall adjudge the said Twenty Acres of Land to be worth, on each Side the said River aforesaid, shall be paid to the Owners so found by their Verdict, and to all Person or Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate in Fee Simple in the said Lot or Lots, he, she, or they complying with the requisites in this Act mentioned.

p. 29 And be it further Enacted, That the Surveyor of Queen-Anne's County, shall have and receive, for surveying and laying out the Town aforesaid, the Sum of Eight Hundred Pounds of Tobacco, and no more, to be paid and allowed him by even and equal Portions, at the laying of the Levies in the abovesaid Counties; and that he return a Plat thereof to the Clerk of each County aforesaid, to be by them kept amongst the Records of the said Counties. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town; and to be taken up the Second Time.

Provided always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the Session Laws Town aforesaid be called by the Name of Bridge Town.

And be it further Enacted, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Queen-Anne's County Court, for the Inspection of any Person.

Saving to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary, notwithstanding.

And be it further Enacted, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Money of Maryland, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

An Act for the speedy Recovery of small Debts out of Court, before
a single Justice of the Peace Chap. XXVII

For as much as it is requisite, That there be some Remedy for the Recovery of small Debts; and it being thought that the Jurisdiction of a single Justice of the Peace, by the Law heretofore made, is not extensive enough, p. 30 [Continued by 1736, ch. 1; 1742, ch. 2; 1746, ch. 6. Expired in 1750]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in all such Cases, wherein the real Debt or Damage doth not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings Current Money, it shall and may be lawful for any one Justice of the Peace, of each respective County wherein the Debtor doth reside, to try, hear, and determine, the Matter of Controversy, between the Creditor and Debtor, and upon full hearing of the Allegations and Evidences of both Parties, shall give Judgment according to the Equity and Right of the Matter; and if Need be, charge the Constable with the Body of the Debtor in Execution, who is hereby obliged and impowered, to carry the Person so committed, to the Sheriff of the County, together with a Certificate or Mittimus from such Justice, wherein shall be certified the Debt and Cost, whereof such Person shall be convict by him, to be safely kept, until Satisfaction, or other

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Laws End thereof, or otherwise, that such Justice shall award Execution on such his Judgment, (directed to the Sheriff of the County,) by Warrant or Mittimus. in the Nature of a Capias ad satisfaciendum, fieri facias, or otherwise; and that in Case upon the Return of any Warrant, or any Complaint issued by any such Justice, it shall appear, that the Person against whom the same shall Issue is not found, it shall and may be lawful for the Creditor to proceed in the several and respective County Courts, for obtaining an Attachment, according to the Directions of the Act for suing out Attachments in this Province and limiting the Extent of them, against the Goods, Chattels, and Credit of such Persons, for any Sum exceeding Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight Pence in Money; any thing in the Act for the better Administration of Justice, in the several Courts of this Province; and for the speedy Recovery of Debts, &c. or any other Law to the contrary, notwithstanding.

And be it further Enacted, by the Authority of the aforesaid, by and with the Advice and Consent aforesaid, That an Act of Assembly, made at a Session of Assembly, held at the City of Annapolis, on the Twenty Sixth Day of April, Anno Domini Seventeen Hundred and Fifteen, intituled, An Act for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace, be, and is hereby abrogated, repealed, and made void.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of the several County Courts within this Province, shall not hold Plea of any Debt or Damage, which shall not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings Current Money; any Law, Usage, or Custom to the contrary notwithstanding.

p. 31 Provided nevertheless, That nothing in the said Act, shall hinder the Justices aforesaid, from holding Plea of any Debt or Damage, where the Suits are, or shall be commenced before the Publication hereof, for any Sum above Four Hundred Pounds of Tobacco, or Thirty Three Shillings and Four Pence Current Money, and under Six Hundred Pounds of Tobacco, or Fifty Shillings Currency; any thing in the abovesaid Act to the contrary, notwithstanding.

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall and may be lawful, for the Justices before whom any Trial shall be, for any Sum above Four Hundred Pounds of Tobacco, or Thirty Three Shillings and Four Pence Current Money, to demand and receive, as a Reward for hearing, determining, and entering Judgment, the Sum of Two Shillings and Six Pence Current Money, or Thirty Pounds of Tobacco, and no more.

This Act to continue for Three Years, and to the End of the next Session of Assembly which shall be after the Three Years.

An Act reviving and continuing an Act of Assembly of this Province, Session Laws Chap. XX [Continues 1722, ch. 13]
 intituled, An Act for the better Relief of poor Debtors.

Be it enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That the above-mentioned Act, intituled, An Act for the better Relief of poor Debtors, made at a Session of Assembly, begun and held at the City of Annapolis, the Ninth Day of October, Anno Domini Seventeen Hundred and Twenty Two, be and is hereby revived and continued, to be and remain in full Force, for and during the Term of Three Years, from the End of this Session of Assembly, and to the End of the next Session of Assembly which shall happen after the said Three Years.

An Act for laying out a-new Fifteen Acres of Land, Part of the One Hundred Acres of Land, formerly erected into a Town, commonly called Benedict-Leonard Town, upon Patuxent River, in Charles County, besides the Lots which have been already taken up, pursuant to the Directions of former Laws: And to refrain the Inhabitants from keeping any Stock, except within their Inclosure, in the said Town. Chap. XXI

Whereas, formerly there was laid out in Charles County, on Patuxent River, a Town commonly called Benedict-Leonard Town, containing One Hundred Acres of Land, the Bounds whereof, are very uncertain, and the Improvements very much hindred, by Reason all the Lots were not taken up and improved in Time: And whereas, it is represented to this General Assembly, That the said Place is very convenient for a Town, and several People desirous to settle in the same, could they be well secured in their Lots; and there being no Provision made, by any Act in Force, for the taking up and building on Lots in the same Place. And whereas also, the said One Hundred Acres, by this General Assembly, is thought to be by far too much for that Place, P. 32

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the [same], That Col. Robert Hanson, M^r Samuel Hanson, Col. John Fendall, Mr. Henry Holland Hawkins, and Col. Thomas Trueman Greenfield, or any Three of them, are hereby appointed Commissioners for Charles County aforesaid, and are hereby Authorized and impowered, as well to agree for the buying and purchasing Fifteen Acres of Land, out of the Tract aforesaid; to be added to such Lots, as have already been taken up; and such Parts not exceeding Fifteen Acres, as lies most convenient to the Water, adjoining to the Lots formerly taken up, as for surveying and laying

Session out the same, in the most convenient Manner, into Twenty equal
 Laws Lots, to be erected into a Town.

And be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Thirtieth Day of November, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto, and shall then and there treat and agree with the Owner or Owners, and Persons interested in the said Fifteen Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Twenty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley, the said Lots to be numbered One, Two, Three, and so on to Twenty, for the better and more sure distinguishing each Lot from the other: Of which Twenty Lots, the Owner or Owners of the said Land, shall have his or their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Fifteen Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Fifteen Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale, as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said

p. 33 County, to be and appear before the said Commissioners at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Fifteen Acres of Land, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Fifteen Acres of Land to be worth, shall be paid to the Owners

so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the Requisites in this Act mentioned.

And be it further Enacted, That the Surveyor of Charles County, for the Time being, shall have and receive, for surveying and laying out the Town aforesaid, the Sum of Six Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, exclusive of Sheds, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town, and to be taken up a Second Time.

Provided always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid, be called by the Name of Benedict-Leonard Town.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to

Session be made up in a well bound Book, and lodged with the Clerk of
 Laws Charles County, for the Inspection of any Person.

And be it further Enacted, That no Person or Persons whatsoever, living or to live within the same Town, shall, after the End of this present General Assembly, under any Pretence whatsoever, keep or support within the same Town, any Swine, Geese, Sheep, Cattle, and Horses, belonging to themselves, or any other Person whatsoever, unless such Swine, Geese, Sheep, Cattle, and Horses, be kept within such Person or Persons Inclosure so keeping or supporting such Swine, Geese, Sheep, Cattle, and Horses.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons that shall be convicted before a single Magistrate, on Confession, or Proof of keeping and supporting within the said Town, out of his, her, or their Inclosure, any Cattle, Geese, Sheep, Hogs, or Horses, shall pay One Hundred Pounds of Tobacco for each Transgression: The same to be levied on the Body, Goods, or Chattels, of the Offender, by Way of Execution, as in Case of small Debts, and to be applied to the Use of the Free-School of the County aforesaid.

Saving to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Money of Maryland, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of the said Act.

Chap. XXII A Supplementary Act to the Act for Stay of Execution after the
 [Supple- Tenth of May.
 ments 1715,
 ch. 33]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That where any Execution or Executions have been already issued before the Tenth of May last, or shall be issued before the Tenth of May, in any Year, against the Body or Goods of any Person or Persons inhabiting within this Province; and the Person or Persons against whom such Execution or Executions have issued, or shall hereafter issue, were not, nor shall not be taken; by Virtue of the said Execution or Executions 'till after the Tenth of May, in any Year,
 p. 35 that in all such Cases, it shall and may be lawful for the Person or

Persons, whose Body or Goods so taken, by Virtue of such Execution or Executions, as aforesaid, to supersede the same, in the same Manner, as he, she, or they, might or could do, if in Case the Execution or Executions had issued, or were to issue, after the Tenth of May, in any Year; any Law, Usage, or Custom, to the contrary, notwithstanding.

An Act repealing Part of an Act, intituled, An Act, laying an Imposition on Negroes and on several Sorts of Liquors imported, and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province. Session
Laws
Chap.
XXIII
[Repeals
1715, ch. 36]

Be it enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That such Part of the said recited Act, or any other Act of Assembly of this Province, wherein, or whereby, any Duty or Imposition is laid on any Irish Servants being Protestants, upon, or by Reason of their Importation into this Province, shall be, and by Virtue of this Act is, abrogated and repealed; and that no Duty or Imposition hereafter, shall or ought to be paid, for or upon the Importation of any Protestant or Protestants from the Kingdom of Ireland, or elsewhere, into this Province.

An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, to prevent cropping, cutting, and defacing Tobacco taken on Board Ships or Vessels upon Freight, to prevent false packing, and making Seconds. Chap. XXV

It being necessary to ascertain the Gauge and Tare of Tobacco Hogsheads, and to prevent the cropping, cutting, and defacing Tobacco taken on Board Ships or other Vessels upon Freight, to prevent false packing of Tobacco, and making Seconds,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall and may be lawful for any Person or Persons whatsoever, suspecting, discovering, or knowing of any Hogshead or Hogsheads of Tobacco that shall exceed Forty Eight Inches in the Stave, or Thirty Two Inches in the Diameter of the Head within the Grose, or that shall exceed Thirty Seven Inches Diameter in the Buldge, on any Account or Pretence whatsoever, Thirty Six Inches being supposed a competent Gauge, to call to his Assistance, any Justice of the Peace, Sheriff, Coroner, Vestryman, or Churchwarden, living or residing within the County where such Tobacco shall be suspected, known, or discovered; and to enter into any House, Warehouse, Ship, Boat, or other Vessel, and there, in the Presence of such Justice, or other

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Laws
p. 36

Officer, as aforesaid, who are thereby required to be aiding and assisting to such Informer therein, to seize and mark with the Broad Arrow, every such Hogshead or Hogsheads of Tobacco as such Informer shall request such Justice, or other Officer, to view, on Suspicion of exceeding the Gauge aforesaid: And also, that such Justice, or other Officer, shall, on Request of such Informer, and is hereby required to proceed in such Manner as he shall think most proper, to examine the Gauge thereof, so as no Hogshead or Hogsheads of Tobacco stowed away on Board any Ship, or other Sea Vessel, shall, on such Information, be unstowed, unless such Hogshead or Hogsheads appear in View, and if, upon such Examination, any Hogshead or Hogsheads shall be found by such Justice or other Officer, as aforesaid, to exceed the Gauge aforesaid, it shall and may be lawful then, and not otherwise, for such Justice, or other Officer, immediately to condemn the same to the Use of such Informer, who shall thereupon be immediately vested with the Property thereof, and may convert the same to his own Use accordingly; and the Judgment of such Justice, or other Officer, therein shall be Final. And if the Tobacco so seized and condemned, as aforesaid, should happen to be packed and paid away by any other Person than the Party grieved, so losing such Tobacco, that then, and in all such Cases, the Person or Persons, by whose Order the same was packed and paid away, and condemned, as aforesaid, shall satisfy and pay to the Party grieved, the like Quantity of Tobacco so seized and condemned, as aforesaid: To be recovered in the County Court where such Person or Persons shall actually reside, who shall pack and pay away such Tobacco, seized and condemned, as aforesaid, together with the Plaintiff's real Cost expended thereon.

But in Case such Hogshead or Hogsheads be not found to exceed the Gauge aforesaid, then such Mark of Seizure shall be struck out by such Justice, or other Officer aforesaid, and the Seizure be thereby released: But in Case any Person or Persons whatsoever, shall have Sight of any Hogshead or Hogsheads of Tobacco, that he or they shall suspect to exceed the Gauge aforesaid, it shall and may, in such Case, be lawful for such Person or Persons immediately to seize and mark the same, although no such Justice, or other Officer, as aforesaid, be present: Of which Seizure, such Informer shall forthwith give Information to some Justice, or other Officer aforesaid, living and residing in the County where such Hogshead or Hogsheads shall be so marked or seized, who shall be by this Act obliged to go with the Informer (to view and examine the Gauge of such Hogshead or Hogsheads, as aforesaid; and shall, in all Things, proceed to the Viewing, Examination, or Condemnation, of such Hogshead or Hogsheads of Tobacco, after the same Manner, and to the Uses aforesaid, or to releasing the Seizure thereof, as herein before directed. And every Informer or Seizer, shall pay to the Justice, or other Officer aforesaid, making such View or Condem-

nation aforesaid, the Sum of Ten Shillings Current Money, for every such Hogshead that such Justice, or other Officer, shall be requested to view or examine, by such Informer, whether the Hogshead or Hogsheads so viewed, be condemned, or not : To be recovered, according to Act of Assembly of this Province, for speedy Recovery of small Debts, out of Court, before a single Justice. Session Laws

And be it further Enacted, That in Case any of the Justices of the County Courts, any Sheriff, Coroner, or Vestrymen, or Churchwarden, who upon Application made by any Informer, shall, without lawful Excuse or Impediment, refuse or delay to perform what is required by them by this Act, the Justice or Officer so refusing, shall forfeit and pay the Sum of Fifteen Shillings Current Money, for every Hogshead so by him refused to be viewed, to the Use of such Informer : To be recovered as last before mentioned. p. 37

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That no Person or Persons whatsoever, after such Hogshead or Hogsheads of Tobacco, marked with the Broad Arrow aforesaid, and before View thereof by any Officer, as aforesaid, shall presume to remove, alter, or change, any Hogshead so marked as aforesaid, or the Tobacco therein, so as to a-void the Justice of this Act, nor after View and Condemnation in Manner aforesaid, shall presume to alter or change, or in any-wise meddle with such condemned Hogshead or Hogsheads of Tobacco, without Leave or License from such Informer, under the Penalty and Forfeiture for every Hogshead of Tobacco so removed, altered, or changed, as aforesaid, the Sum of Twelve Hundred Pounds of Tobacco, to the Use of such Informer : To be recovered in any County Court within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

And whereas, the Inhabitants of this Province, that ship Tobacco on Board Ships and other Vessels upon Freight, are much abused, by the cropping, cutting, lessening, and diminishing the Hogsheads, wherein such Tobacco is packed, by the Masters of Ships or other Vessels, or by other Persons under their Command and Government : For Remedy whereof for the Future,

Be it Enacted, by the Authority, Advice, and Consent aforesaid, That if any Master of a Ship or other Vessel within this Province, after the End of this present Session of Assembly, shall receive any Hogshead or Hogsheads of Tobacco, on Board his said Ship or Vessel upon Freight, and shall either by himself, or any other Person, or Officer, on Board his said Ship or Vessel, under his Command, cut, or suffer any Hogshead or Hogsheads of Tobacco, to be cut, cropped, or lessened, in any Length or Breadth, or by any other Ways or Means, abused, defaced, or impaired ; that then, and in every such Case, such Master of such Ship or Vessel, for every Hogshead of Tobacco so cut, or suffered to be cut, cropped, or lessened, in their

Session Length or Breadth, abused, defaced or impaired, to be proved by the
 Laws Oath of any sufficient Person to whom the Tobacco is consigned in Great-Britain, or other sufficient Witness, taken before any Magistrate, and sent hither under his Hand and Seal, or by any other legal Proof whatsoever, made in this Province, or elsewhere, shall forfeit and pay the Sum of Six Hundred Pounds of Tobacco, or Fifty Shillings Sterling, to the Party grieved: To be recovered in any Court of Record in this Province, against such Master or his Sureties, by Action of Debt; or on the Case, within Two Years after the Date of the Bill or Bills of Lading of such Tobacco.

And be it further Enacted, by the Authority aforesaid, That the Security or Securities, of any Master of Ship or Vessel, within this Province, shall be liable to make Satisfaction, according to this Act, for the cropping, cutting, abusing, defacing, or impairing, any Hogshead or Hogsheads of Tobacco, as aforesaid, and prosecuted in any Court of Record within this Province, that can hold Plea thereof; and that every Naval Officer within this Province, shall, on Pain of
 p. 38 Fifty Shillings Sterling, certify under his Hand and Seal, who are the Security or Securities of any such Master, which shall be sufficient Evidence in any Court of Record, where such Action is commenced, to prove who are the Security or Securities of such Master; for which Certificate, the Naval Officer may have and receive One Shilling, and no more: And that the several and respective Naval Officers within this Province, shall hang a fair Copy of this Act in their respective Offices, for the Perusal of Masters of Ships and Vessels: The said Naval Officer to have and receive for the said Copy, One Hundred Pounds of Tobacco, to be allowed in the County Levy.

Be it Enacted, by the Authority aforesaid, That if any Person or Persons having the immediate Rule, Direction, or Government of any Plantation where Tobacco is or shall be made, shall false pack any Hogshead, or use any fraudulent or deceitful Practice or Means to conceal or hide any Frost-bitten, Trashy Ground Leaves, small Scrubs, Stalks, Stems, Wood, Dirt, or any manner of Trash, or decayed old Tobacco, and shall offer to tender or pay away the same as good merchantable Tobacco, and shall be convict of such false packing, before any Justice of the Peace, who shall, by Virtue of this Act, have Cognizance thereof, as in Case of Small Debts, shall, for every such Offence, forfeit Four Hundred Pounds of Tobacco, to the Party to whom such Tobacco shall be paid or tendered, or offered to be paid, if such Party will prosecute for the same within Two Months after the Offence committed: And in Case such Party should neglect or refuse to prosecute, the said Penalty shall and may be recoverable by any other Person, to his own Use, that will inform and prosecute for the same within Three Months after such Neglect or Refusal aforesaid, before any such Justice; any Law, Usage, or Custom, to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, That any Session Laws Person paying away any Hogshead or Hogsheads of Tobacco, shall mark, or cause to be marked, on the Buldge thereof, within Five Pounds of the real and exact Weight of the empty Hogshead, on Pain of Four Hundred Pounds of Tobacco: To be recovered and applied in the same Manner, as the Penalty for false packing.

And be it Enacted, That the Allowance for the Hogshead from the Buyer to the Seller, shall be Eight Pence Current Money of Maryland, or Six Pounds of Tobacco at the Election of the Buyer, for every Hundred Weight of Tobacco the Hogshead shall contain, and so pro Rato; which shall be in full Satisfaction for the Hogshead. And to prevent the making of Seconds,

Be it Enacted, by the Authority aforesaid, That all Persons having the Direction of any Plantation or Place where Tobacco shall be made, shall be obliged Yearly and every Year, during the Continuance of this Act, to cut up, or cause to be cut up, all the Tobacco Stalks on such Plantation or Place, within the Space of Twenty Days after the Tobacco shall be cut down and housed, on Pain of forfeiting Two Hundred Pounds of Tobacco for every Person employed in making Tobacco on such Plantation or Place: One Moiety to be applied towards supporting the Publick School of the County where the Fact shall be committed; and the other Moiety to any Person or Persons that will sue for the same: To be recovered in the County Court, where the Penalty shall exceed Four Hundred Pounds of Tobacco, p. 37 [a] by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed; and where the Penalty shall not exceed Four Hundred Pounds of Tobacco, that the same shall be recovered by the Prosecutor to his own Use, before a single Magistrate.

And be it Enacted, That such Part of an Act of Assembly, intituled, An Act for securing Merchants and Others Tobacco, after they have received it, and the declaring the altering the Mark or Quality thereof, to be Felony, and against false packing, as relates to false packing, shall be, and is hereby repealed and abrogated.

This Act to continue in Force from the End of this Session of Assembly, 'till the Twenty Ninth Day of September, that shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Three.

An Act to explain Part of an Act, intituled, an Act for the Advancement of Justice.

Chap.
XXVI
[Explains
1723. ch. 12]

Whereas, by the said Act for the Advancement of Justice, all Bonds and other Obligations, under Hand and Seal, are assignable from one Person to another, and that the Assignee shall and may, by Virtue of such Assignment, maintain an Action in his or her own Name against the Obligee and Obligees. And whereas, it has been doubted, whether the Assignee or Assignees might also maintain an Action

Session or Actions in his, her, or their own Name, against any Obligor or
 Laws Obligors, by Virtue of such Assignment: For removing of which
 Doubt,

Be it Enacted and Declared, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Assignee or Assignees shall have and maintain, and ought to have and maintain any Action or Actions in the Name of such Assignee or Assignees, on any Bond, or other Obligation, under Hand and Seal assigned, according to the Directions of the said Act, against the Obligor or Obligors; any Usage, or Custom, to the contrary, notwithstanding.

Provided, That where any Debt shall be lost, by the Negligence of the Assignee or Assignees, that the Assignor or Assignors shall not be liable, any such Assignment notwithstanding.

And provided also, That the Assignor or Assignors shall make Oath or Affirmation, if a Quaker, before some Magistrate, that he, she, or they hath or have received no Part of the Sum mentioned in such Obligation, or but such Part thereof, as shall be mentioned in such Oath or Affirmation, at the Time of making any Assignment to be indorsed on such Bond or Obligation.

And be it likewise Enacted, That any Person knowingly swearing or affirming falsely, and being thereof convicted by due Course of Law, shall suffer, as in Case of wilful and corrupt Perjury.

Chap. XXVIII
 p. 38 [a] An Act for the Assessment of Sixty Thousand Pounds of Tobacco on the Taxable Inhabitants of Durham Parish, in Charles County, for the building a Church.

Whereas the Vestrymen, and several other Inhabitants of Durham Parish, in Charles County, by their Petition to this General Assembly, have set forth, That their Parish Church is so decayed, that it is impracticable to repair it; and have prayed, that an Act may pass, that so much Tobacco may be levied on the Taxable Persons of the said Parish, to be paid, by equal Proportions, at Three several Times, to enable them to build the said Church,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Charles County Court, shall and may, and they are hereby authorized and directed, on the Application of the Vestrymen and Churchwardens of the said Parish, to assess and levy on the Taxable Inhabitants of the said Parish, the Quantity of Sixty Thousand Pounds of Tobacco for the Uses aforesaid; but that not above the Quantity of Twenty Thousand Pounds of Tobacco to be levied in any One Year; which said Tobacco so to be levied, shall be collected by the Sheriff of Charles County, for the

Time being, who is hereby authorized and directed to collect the same, and who shall have, for such Collection, at and after the Rate of Five per cent. And the said Tobacco, when so collected, shall be paid Yearly to the Vestrymen and Churchwardens, who are hereby authorized and required to apply the same to the building and finishing a new Church in the said Parish.

An Act for the Assessment of so much Tobacco on the Inhabitants of St. Paul's Parish, in Prince-Georges County, as will build them a new Parish Church and Chapel of Ease.

Session
Laws

Chap.
XXIX

Whereas, the Vestrymen, Churchwardens, and other the Inhabitants of St. Paul's Parish, in Prince-George's County, have, by their Petition of this General Assembly, set forth, That their Parish Church and Chapel of Ease, are so extreamly out of Repair, that there is an absolute Necessity for building new Ones; and have prayed, that an Act may pass, that so much Tobacco may be levied on the Taxable Persons of the said Parish, as will enable them to build first a new Church, and afterwards a Chapel, in such Place in the said Parish, as shall be thought most convenient by the Majority of the Parishioners,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Prince-George's County, shall and may, and they are hereby authorized and directed, on the Application of the Vestrymen and Churchwardens of the said Parish, to assess and levy on the Taxable Persons of the said Parish, any Quantity of Tobacco, not exceeding Twenty Thousand Pounds of Tobacco in any One Year, and to continue so doing yearly, until there shall be a sufficient Quantity of Tobacco levied to erect and compleat a new Church and Chapel in such Part of the said Parish, as shall be thought most convenient by the Majority of the Parishioners; which said Tobacco so to be levied, shall be collected by the Sheriff of Prince-George's County, for the Time being, who is hereby authorized and directed to collect the same; and who shall have, for such Collection, at and after the Rate of Five per Cent. And the said Tobacco, when so collected, shall be paid Yearly to the Vestrymen and Churchwardens, who are hereby authorized and required to apply the same to the building and finishing first a new Church, and then a Chapel in the said Parish.

p. 39

An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned.

Chap. XXX
[Continued
by 1733, ch.
11; 1736, ch.
2; expired,
1739]

Whereas, his Lordship the Right Honourable the Lord Proprietary, has been pleased to constitute and appoint His Excellency

Session Samuel Ogle, Esquire, his Lieutenant-Governor in and over this his
Laws Province of Maryland, to whom We (his Lordship's Tenants) yield all due Obedience; and the better to demonstrate our Gratitude to his Lordship, and to shew the good Respects we have for and towards the said Samuel Ogle, Esquire, our present Governor, and the great Hopes and Expectation we have of his Excellency's good Government over us, We most humbly pray, that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Imposition of Three Pence 'Sterling per Hogshead, over and above the Duties already imposed on the Export of Tobacco, upon all Tobacco that shall be exported out of this Province, after the Twenty Ninth Day of September next, by Land or by Water; and Three Pence Sterling upon every Four Hundred Pounds of Tobacco, be it in Chest or Case, or other Package, to be paid by the Master of every Ship or Vessel, or other Person trading into, or living in this Province, in Sterling Money of Great-Britain, or Bills of Exchange, at the Election and Choice of the said Master, or others; to be collected by the Naval Officer, at the Port or District where such Ship or Vessel shall enter: To be applied to the Uses, and in the Manner following, (that is to say,) Three Half Pence of the said Three Pence per Hogshead so to be collected, as aforesaid, to be applied towards the Encouragement of One Publick School in every County within this Province, (that is to say,) One equal Share thereof towards the Support of each School; and the remaining Three Half Pence so to be collected, as aforesaid, be paid by the Naval Officers aforesaid, to his Excellency Samuel Ogle, Esquire, Lieutenant-Governor in and over this Province, for his Use, and better Maintenance; for which Collection, the several Naval Officers shall be allowed after the Rate of Eight per Cent.

And be it Enacted and Declared, by the Authority aforesaid, That if any Tobacco should by any casual Means be lost, after the Imposition be paid, that then, and in all such Cases, the Owner and
p. 40 Freighter of all such Tobaccos, shall have Free Liberty to freight and ship off the like Quantity, without paying the additional Three Pence.

This Act to continue 'till the Twenty Ninth Day of September, which shall be in the Year of our Lord Seventeen Hundred Thirty Three and Three.

Chap. XXXI An Act for laying an Imposition of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Time therein mentioned.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That for all Tobacco that shall be exported out of this Province,

from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord Seventeen Hundred Thirty and Three, there shall be raised, collected, and paid, to the several Naval Officers within this Province, Three Pence Sterling, in Specie, or good Bills of Exchange, at the Choice of the Exporter, for every Hogshead of Tobacco; and Three Pence Sterling for every Six Hundred Pounds of Tobacco in any other Package than Hogsheads, and in Proportion for any other Quantity: and the Payment thereof, to be made and secured, as other Duties on Tobacco are directed to be paid and secured: Which Duty shall be applied and disposed of in such Manner as shall be directed and appointed by the Governor or President, for the Time being, and the Upper and Lower Houses of Assembly, and not otherwise: Provided the usual Allowance be made to the several Naval Officers for collecting the Duties therein mentioned.

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An Act for the Continuance of Saint Mary's County Court, Baltimore County Court, and Talbot County Court, from the first Tuesday of August, until the first Tuesday of November next; and for the further Continuance of Causes in the said Courts.

Chap.
XXXIV

Whereas, several of the Justices of the said respective Counties, and also several of the Attornies practising in the said Courts, are members of the Assembly, and obliged to attend their Duty therein.

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Causes, Pleas, Process, and Proceedings, either Civil or Criminal, now depending in, or returnable to, any of the said County Courts to be held the first Tuesday of August, this present Year, shall be and are, by Virtue of this Act, continued from the said first Tuesday in August, until the first Tuesday in November next, and shall then be in the same State, Plight, and Condition, as they would be on the said first Tuesday of August; any Law, Usage, or Custom, to the contrary, notwithstanding.

And be it further Enacted, That the Justices of the said County Courts may, by Virtue of this Act, continue any Cause now depending in any of the said County Courts, or which shall be depending, by Virtue of any Process returnable to the said first Tuesday in August, for any longer Time than the present Limitation, not exceeding Two Courts; any Law, Usage, or Custom, to the contrary, notwithstanding.

An Act empowering a Committee to lay, assess, and apportion, the Publick Levy, for this present Year, One Thousand Seven Hundred and Thirty Two.

Chap.
XXXIII

Whereas, this present General Assembly have, for the defraying the Publick Charge of this Province, to the First Day of August last,

Session raised a certain Sum of Tobacco, and Money, amounting to Two
 Laws Hundred Fifty Five Thousand Seven Hundred and Thirty Six
 Pounds of Tobacco, and to One Hundred and Twenty Eight Pounds
 Nineteen Shillings and Ten Pence Current Money, as by the Journal
 of the Committee of Accounts appears: But by Reason more Publick
 Charges may arise and grow due, before the usual and accustomed
 Time of Payment, which is the Tenth of November, Yearly; at which
 Time again, to call and convene the whole Assembly for that Occasion
 only, considering the great Number of them, and the Remoteness of
 their Habitations from the Place appointed, would be very chargeable
 and troublesome to the whole Province in general:

Be it Enacted, by the Right Honourable the Lord Proprietary, by
 and with the Advice and Consent of his Lordship's Governor, and the
 Upper and Lower Houses of Assembly, and the Authority of the
 same, That the Honourable Charles Calvert, Philemon Lloyd, Ben-
 jamin Tasker, Philip Lee, and George Plater, Esqrs; Members of
 His Lordship's Upper House of Assembly; and the Honourable
 Col. John Mackall, Capt. Thomas Waughop, Capt. Ebenezer Black-
 istone, John Beale Esq^r Col. Robert Hanson, Capt. George Dashiel,
 M^r John Edmunson, Capt. Henry Hooper, M^r Joshua George, M^r
 William Hamilton, M^r Ralph Crabb, and M^r William Hemsley, now
 of the Honourable Lower House of Assembly, or the major Part of
 them, be and appear at the City of Annapolis, the last Tuesday in
 October next, then and there to lay and assess the Publick Levy,
 already raised; and also to allow, levy, and assess, what further
 Charges may accrue, which to them shall justly appear to be due
 from the Publick, not exceeding Two Hundred and Fifty Thousand
 Pounds of Tobacco, and Three Hundred Pounds in Current Money of
 this Province, more than what is already raised; and likewise to ap-
 portion, order, and pay, out of the Publick Treasury of this Province,
 the Sum of One Hundred and Twenty Eight Pounds Nineteen
 Shillings and Ten Pence Current Money of this Province, to the
 several Persons to whom the same shall be due, as by the Journal
 of the Committee of Accounts appears; and a fair Journal of all their
 Proceedings to be delivered to the Clerk of the Lower House of
 Assembly, for Satisfaction of all Persons therewith concerned, by
 the Tenth Day of December next. And if it shall happen, that His
 Excellency shall please to convene an Assembly, before the last Tues-
 day in October next aforesaid, that then the present Act, and every
 Thing therein contained, shall be void, and of no Effect.

Chap. XXXII An Act for the Relief of Alexander Simms, and Archibald Johnson,
 p. 42 languishing Prisoners, in St. Mary's County Gaol.

Whereas, the said Alexander Simms, and Archibald Johnson, by
 their humble Petition to this present General Assembly, have severally
 set forth, That they have continued Prisoners for Debt, in the Custody

of the Sheriff of St. Mary's County, and still continue in the like Session
deplorable Circumstances, not being able to redeem their Bodies, with Laws
all the Estate or Interest they have in the World, which they would readily surrender up and part with to their several and respective Creditors, if they would accept of the same, and grant the said Petitioners their Liberty; which seems so unlikely for them to obtain, that (unless relieved by a particular Act to be passed in their Favour, which by their said Petitions they have humbly prayed,) they must inevitably continue Prisoners for Life, and thereby their Families utterly ruined; And for that the Truth of the said Petitioners Allegations is made appear to this present General Assembly, by sufficient Testimony, and that the said Petitioners, and their Families, are fit Objects of Charity; and that their lying in Gaol can be no Benefit to their Creditors, It is humbly prayed, that the said Petitioners may be relieved, according to their Prayer: And that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all or any of the Creditor or Creditors of the said Alexander Simms, and Archibald Johnson, or the Creditor or Creditors of any, or either of them, or the Attorney or Attornies of such Creditor or Creditors aforesaid, within this Province, shall, within Twenty Days after the End of this Session of Assembly, go to the Sheriff of the aforesaid County of Saint Mary's, and give good Security to pay the Imprisonment Fees, the Sum of Ten Pounds of Tobacco per Day, that shall or may become due from the said Alexander Simms, and Archibald Johnson, after the End of the said Twenty Days; and also find the said Alexander Simms, and Archibald Johnson, or any, or either of them, sufficient Meat, Drink, and Cloathing, during their future Imprisonment: And in Case, they the said Alexander Simms, and Archibald Johnson, shall deliver up and surrender, or cause to be delivered up and surrendered, to the Sheriff of the County aforesaid, in the Presence of Two Justices of the Peace of the said County, whom the said Sheriff is hereby required to Summon, on the Request of the said Alexander Simms, and Archibald Johnson, at some convenient Time after the Receipt of this Act, not exceeding Ten Days, all their Real and Personal Estate, either in Possession, Reversion, or Remainder, or in Trust, or in, or unto which they have or any, or either of them, hath any Claim or Interest whatsoever, And likewise before the Day before mentioned, convey, assign, transfer, and make over unto the Sheriff of Saint Mary's County, for the Use of the said Creditors, all such their Estate, Interest, or Claim as aforesaid, after such Manner as by the said Sheriff, and the major Part of the said Creditors, or of such of them, as shall think fit to direct therein, or their Council learned in the Law, shall reasonably

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Laws devise or require, at the Cost and Charges of such Persons as shall claim the Benefit thereof; so as the said Alexander Simms, and Archibald Johnson, be not burthened with any Warranties thereby, other then from themselves, or those that claim by, from, or under them. And that the said Alexander Simms, and Archibald Johnson, and either of them, at the Time of such their Surrender and Transferring their Estate as aforesaid, shall take his or their solemn Oath or Oaths, (or Affirmation if a Quaker) before the said Two Justices of the County aforesaid, to be summoned as aforesaid, to the Effect following, viz.

I A. B. do affirm, or solemnly affirm, That the Goods, Debts, and Effects, which I have delivered, assigned, and made over, to the Sheriff of Saint Mary's County, and in Trust for the use of my Creditors, is the whole Estate both Real and Personal of my own, in Possession, or have any Title to in the World; and that I have not any Estate, Goods, or Effects of any kind whatsoever left, either in Possession, Reversion, or Remainder (the necessary wearing Apparel for my self, Wife, and Children excepted :) And that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted all or any Part of my Estate, thereby to defraud my Creditors, or to secure the same, to receive or expect any Profit or Advantage thereof. So help me God.

It shall and may be lawful for the Sheriff of the County aforesaid, after the End of the said Twenty Days, and the said Sheriff, is hereby required, to discharge the said Alexander Simms, and Archibald Johnson, out of his Custody, and to suffer them to go at Large.

And be it further Enacted, by the Authority aforesaid, That the said Alexander Simms, and Archibald Johnson, nor any of them, shall hereafter be imprisoned, by Reason of any Judgment or Decree obtained for the Payment of any Debt, Damage, or Cost, or for or by Reason of any Debt, Damage, or Cost contracted, occurred, occasioned, owing, or growing due before the End of this Session of Assembly; but that upon every Arrest on any such Judgment or Decree, or for any such Debt, Damage, or Cost, it shall and may be lawful for the Judge or Justices of the Court, where any Process shall issue, upon Shewing a Duplicate of the Discharge of the said Alexander Simms, and Archibald Johnson, or any of them, that shall be so arrested, to release and discharge out of Custody, the said Alexander Simms, and Archibald Johnson, or any of them, that shall be so arrested.

Provided, the said Alexander Simms, and Archibald Johnson, or any of them, that shall be so arrested, shall and do enter his or their Appearance, or procure some Attorney to appear to every such Action, and plead thereto.

p. 43 Provided, That the Discharge of the said Alexander Simms, and Archibald Johnson, or any of Them, shall not acquit any other

Person from such Debt, Damage, or Cost, or any Part thereof; but that all such Persons shall be answerable for the same, in such Manner, as they were before the Passing of this Act. Session
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Provided always, and be it Enacted, by the Authority aforesaid, That notwithstanding the Discharge of the said Alexander Simms, and Archibald Johnson, all and every Debt or Debts, due or owing from them and every of them and all and every Judgment had and taken, or Decree obtained against them, or any of them shall stand, and be good and effectual in the Law; to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods, and Chattels of them, and every of them, which they, or any of them, or any other Person in Trust, or to the Use of them, or any of them, at the Time of the Discharge of the said Alexander Simms, and Archibald Johnson, or any of them, or which they, or any of them, at any Time hereafter, shall, or may be any way seized or possessed of, or intrusted in, to their own Use, or to the Use of any of them, or in their proper Right, or in the proper Right of any of them, either in Law or Equity, except the Wearing Apparel and Bedding, or Working Tools of them, or any of them, not exceeding the Value of Five Pounds Current Money, And it shall and may be lawful for any of their Creditors, their Executors, Administrators, or Assigns, to take out a new Execution or new Executions, against the Lands Tenements, or Hereditaments, Goods or, Chattels, of the said Alexander Simms, and Archibald Johnson, or any of them, (except as before excepted) for the Satisfaction of his or their Debt or Debts, in such Sort, Manner, and Form, as he or they might have done, if the said Alexander Simms, and Archibald Johnson, or any of them, had not been taken in Execution, or discharged by Virtue of the Act.

And be it Enacted, by the Authority aforesaid, That if any Action of Escape be brought against any Sheriff, or any Suit or Action be brought against any Justice or Justices, for performing their Office in Pursuance of this Act, he or they may plead the General Issue, and give this Act and the special Matter in Evidence, if the Plaintiff be Nonsuit, or discontinue his or her Action, or Verdict passed against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover double Costs.

Provided also, That nothing in this Act shall extend, or be construed to extend, to bar any Creditor or Creditors of the before mentioned Prisoners, or any of them, from having or maintaining any Action of Escape against any Sheriff, who hath permitted any Escape before the making of this Act.

Provided nevertheless, That in Case the said Alexander Simms, and Archibald Johnson, or any of them, shall, at any Time after the making such their Oath or Oaths, or taking such Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a

Session Laws wilful Breach or Non-Compliance with the Tenour of such Oath or Affirmation as aforesaid, that then the said Alexander Simms, and Archibald Johnson, or such of them as shall be convicted as aforesaid, shall, upon such Conviction, be wholly deprived of any Benefit intended him, them, or any of them, by this Law; and shall be from thenceforth liable to be prosecuted for any Debts or Demands whatsoever in the same Manner as if this Act, had never been made; any thing therein contained to the contrary, notwithstanding.

Provided always, That the Sheriff of St. Mary's County, shall be first satisfied his Imprisonment Fees, out of the respective Effects of the said Prisoners, before any other Creditor or Creditors shall have any Share of the Prisoners Effects. And if the said Prisoners Effects shall not be sufficient to pay and satisfy to the Sheriff, his Imprisonment Fees, that then each respective Prisoner shall, after his Release out of Prison, be liable to pay and Satisfy to the Sheriff, the Residue of his Imprisonment Fees: Provided, that the said Sheriff, shall not prosecute or imprison such Prisoner within Two Years after his Release; any Thing in this Act to the contrary, notwithstanding.

Saving to His most Sacred Majesty, His Heirs and Successors, the Right Honourable the Lord Proprietary, His Heirs and Successors, and all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.

Chap. II An Act for the Relief of Ann Osburn of St Mary's County

Liber B. C. L. Whereas Ann Osburn of St Maries County by her humble Petition
p. 39. to the Lower House of Assembly hath sett forth that some time since she having been warned by the Overseer of the highways to send her Taxables to clear the Roads on Wednesday the twenty seventh day of October last she then having had but two negroes sent one of them who unfortunately was Killed by a tree which then fell and humbly prayed that as the same Negroe was killed in the service of the County She might have such Allowance made for him as should be thought fit the truth of the Fact being Sufficiently made Appear to this Generall Assembly Be it Enacted by the Right Honourable the Lord Proprietary by and with the the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that it shall and may be Lawfull for the Justices of St Maries County Court at the November Court ensuing and they are hereby required to Cause to be Levied on the taxable persons of St Maries County the Quantity of Six Thousand Pounds of Tobacco in the same Manner that other Allowances are Levied and made
p. 40 and that the Sheriff of the same County for the time being when such Tobacco shall be by him Collected shall and is hereby required to pay unto the same Ann Osburn the said Quantity of Tobacco

An Act for the Naturalization of Onorio Rozilini of Annapolis

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Chap. VII
P. 44
1732

Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that the said Onorio Rozilini born in the Venetian Territories but now residing in the City of Annapolis shall be from henceforth Adjudged Reputed and Taken as a natural born subject within this Province he having Qualified himself according to Law and that by Virtue of this Act he be Enabled and Adjudged to all Intents and Purposes to Demand Challenge Ask Have and Enjoy any Lands Tenements Rents or Hereditaments whatsoever to which he might be any ways Intituled if he had been a natural born Subject within this Province and be enabled to maintain Prosecute Avow Justify and Defend all and all manner of Action or Actions real or personal Suits Plaints Pleas and other Demands whatsoever as Liberally Frankly Freely fully Lawfully and Effectually to all Intents and purposes as if he had been a Natural born Subject within this Province

An Act to Enable the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale from Benony Fanning and Hannah his Wife to John Contee and to make the same Deed Valid.

Chap. X
P. 45

Whereas Benony Fanning of Charles County and Hannah his Wife by Deed of Bargain and Sale bearing Date the thirtieth day of April Anno Domini One Thousand Seven hundred and Eight sold and Conveyed Seven hundred and fifty Acres of Land called Buck Range or so much of the said Tract as then belonged to them lying in Baltimore County to John Contee of Charles County his Heires and Assigns forever and Acknowledged the same Deed before a Provincial Justice and two Justices of the Peace for Charles County which Deed was not Recorded which Omission renders the Estate of the Purchaser or those claiming under him in the said Land doubtful Wherefore it is prayed that it may be Enacted And be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that it shall and may be Lawfull for the Clerk of the Provincial Court or the Clerk of Baltimore County Court to Record the said Deed of Bargain and Sale and that the same Deed being so Recorded shall by Virtue of this Act of Assembly be of as full and ample force and Effect to all Intents Constructions and Purposes whatsoever as if the same had been actually Recorded as the Act or Acts of Assembly in force at the time of the Execution of the same Deed directed any Omission Defect Law Usage or Custom to the Contrary notwithstanding Saving to his Sacred Majesty his Heirs and Successors the Lord Prop^{ty} his heirs and Successors and all Bodys Politick and Corporate and all other persons not herein named their Respective rights

Session Laws
 Chap. XVI
 p 50
 [Repeals
 1724, ch. 15]

An Act to Repeal an Act Intituled an Act for the Relief of the Devisees of James Philips the Elder and Anthony Philips late of Baltimore County Decēd

Whereas it was Represented to the Assembly held in the month of October Seventeen hundred and Twenty four that James Philips the Elder late of Baltimore County Decēd made and Duly executed his last Will and Testament in Writing and thereby Devised and Bequeathed his real and Personal Estate to his four Children Viz. James Philips his eldest son Anthony Philips Mary and Martha his Daughters in manner and form following Viz. unto his Eldest son James Philips all his Tracts of Land at Gunpowder River called Philips Islands with the Stock and Improvements thereunto belonging and all the residue of his Lands he Devised and Bequeathed unto his Sons James and Anthony to be divided equally between them Except Four Hundred Acres to be equally Divided betwixt the Daughters Mary and Martha and all his personal Estate except Stock on Philips's Islands to be equally Divided amongst his said four Children and Appointed his Eldest Son James to be Executor And it was further represented that the Testator intended that all his Children should

p. 51 have Estates of Inheritance in the severall parcells of Land Devised to them which last Will was then represented either to have been lost or purposely Destroyed and by that means the Intentions of the Testator Frustrated and the Devisees without Remedy without the Aid of the then Assembly the said James Philips the son claiming all his Fathers real Estate by Descent as Heir at Law of his Father and that the said Anthony Philips in his life time by his last Will and Testament in Writing duely Executed gave and Devised severall parcells of Land which he claimed by Virtue of his Fathers Will to several persons which his the said Anthony's Devisees were in Danger of being Defeated of by the Loss or Destruction of the said Will Whereupon it was then Enacted by an Act Intituled an Act for the Relief of the Devisees of James Philips the Elder and Anthony Philips late of Baltimore County Decēd That the real Estate of the said James Philips the Elder except Philips's Island and Four hundred acres of his other Lands should be deemed the Estate of Inheritance in fee Simple of the said James Philips the Son and Anthony Philips their Heirs and Devisees or of others having their Estates as if the last Will and Testament of the said James Philips the Elder had been Subscribed in the presence of three Credible Witnesses duely proved and recorded And that the said Lands were thereby expressly Devised to the said James and Anthony to be equall Divided between them and their Heirs for ever And it was further Enacted that the said Mary Philips now Mary Smithers then Wife of Richard Smithers lately Deceased and Martha Philips then and now Martha Paca widow and Relict of Aquilla Paca Decēd and their Heirs and

Assigns for ever should have as good an Estate in fee Simple in four hundred Acres part of the Lands of their said Father James Philips as if his said Will had been Subscribed Proved and Recorded as aforesaid And that the said four hundred Acres were thereby expressly Devised to be equally Divided between the said Mary and Martha and their Heirs and Assigns for ever And it was also further Enacted by the Act aforesaid that the said James Philips the Son Anthony Philips Mary Smithers and Martha Paca their Exors Admrs or other Legal representatives should be and were by that Act Intituled to the same shares and Distributions of the personal Estate of the said James Philips the Elder as if his said Will had been duly proved and Recorded any Law usage or Custom to the contrary notwithstanding Saving to his most Sacred Majesty his Heirs and Successors and to the Right Honourable the Lord Proprietary and his Heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in that Act their Severall and respective Rights And Whereas it is represented to this Present Session of Assembly That before the passing the said Act the said Anthony Philips being possessed of Several Tracts of Land belonging to the said James Philips the Elder but which of Right would have belonged to the said James Philips the son after the Death of the said Anthony Philips as Heir at Law to the said James Philips the Elder Devised the same to his Sisters Martha Paca and Mary Smithers in the said Act mentioned and Died and That after the passing the said Act the said Mary Smithers and Martha Paca claimed the said Lands so Devised by Anthony Philips as also the Lands given to them by the said Act as their own and had committed great Waste and Destruction thereon And Whereas it appears to this Assembly that a Citation issued out of the Court of the Commissary General of this Province against the said Martha Paca and Mary Smithers to answer such Questions as should be asked them concerning the said Will of James Philips the Elder upon the return of which Citation the said Mary Smithers Appeared and Deposed That she then knew of the said Will that the same was in her Possession And which She then Produced to the Commissary Generall And that she found the same with part of the Preamble Torn off amongst some old Papers belonging to Aquilla Paca who was the Husband of the said Martha (at the Instance and for the Benefitt of whom and the said Mary Smithers the said Act was Obtained) But that she the said Mary Smithers knew not how the said Will came there And Whereas it also Appears to this Present Assembly that the said Will was proved the fourth Day of June Sixteen hundred and eighty nine before Henry Johnson then Specially Appointed for that purpose And which said Will was then ordered by the Commissary Generall to be Recorded and now Remains on Record by which the Inheritance of some of the aforementioned Lands Appears to Descend in a manner different from that Directed

Session
Laws

Session by the said Act of Assembly Be it therefore Enacted by the Right
Laws' Honourable the Lord Proprietary of this Province by and with the
Advice and Consent of his Lordships Governour and the Upper and
Lower Houses of Assembly and the Authority of the same That
the said Act Intituled an Act for the Relief of the Devisees of James
Philips the Elder and Anthony Philips late of Baltimore County
Decēd shall be and is hereby Declared to be repealed made Void and
of none Effect To all Intents and Purposes Saving to all purchasers
under the Sanction of the former Law for Valuable Consideration
their Heirs and Successors their several and respective Rights.

APPENDIX

I. ACTS NOT PREVIOUSLY PRINTED

1730

An Act to Inrooll and Record an Indenture Between Mathias Van-
bebbber of the one part and Thomas Bordley Esq^r of the Other part. Session
Laws
Chap. VIII
Liber L, 5
p. 351

Whereas Mathias Vanbebbber of Cecill County Gent. By his Deed Indented bearing date the Twenty fourth day of October Seventeen hundred and Twenty four duly Sealed Signed and Delivered and Acknowledged by the said Mathias Vanbebbber on the day of the date thereof for the Consideration therein mencōnd and by his receipt Indorsed Acknowledged to be Received. Did Grant Bargain Sell Alien Enfeoffe and Confirm unto Thomas Boardly Esq^r Deceased his heirs and Assigns for ever One fourth part of a Tract of Land Called Augustine or St Augustines Manner Lying in Cecill County afore-
said by the meets and Bounds in the said Deed Specified And whereas on the Back of the said Deed one Indorsment Appears under the Hand of the Clerke of the Provinciall Court Office that the same Deed was received into the said Office March the thirteenth Seventeen hundred and Twenty four And alsoe one other Indorsement which is Beleived to be of the hand writing of the then Under Clerk of the said Provinciall Office Appears on the Back of the said Deed in the Words and figures following Viz. p. 352

March the 27th 1725.

Then the within Deed and Acknowledgment, were Inrolled in the Provinciall Court Land Records of Maryland Viz. Lib. P. K. N^o 6 folio (58) p Vachel Denton,

But it is Lately Discovered that the Same Deed either through the Carelessness or Wilfulness of the Same under Clerk hath not been Recorded and Inrolled according to the Directions of the Act of Assembly And whereas the said Thomas Bordley by his Last will and Testament Devised the said fourth Part unto his Son Thomas Boardly now an Infant in Fee with Limitations over to his other Children now also Infants upon Contingencys Be it Enacted By the Right Hon^{ble} the Lord Prop^{ry} by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of this present Generall Assembly and

Session by the Authority of the Same that the Same Deed shall and may
 Laws within One Month After the End of this present Session of Assembly be Received into the said Provinciaall Court Office and Enrolled & Recorded in the Records there and that the same Deed so Inrolled and Recorded and the Inrolment and Record thereof shall be as Effectual and Available in Law to all Intents and Purposes to Convey the Land and premizes therein Mencōnd to the Uses therein-specified as if the same had been Inrolled and Recorded pursuant to the Directions of the Act of Assembly In such Cases made and Provided any
 p. 353 Law Statute or Usage to the Contrary in any Wise Notwithstanding.

Chap. XI An Act for the Naturalization of John Henderickson a Native of
 p. 357 Rotherdam in Holland now an Inhabitant of Kent County in Maryland, and John, Samuel, Rachel, Mary, Mildred, Margaret, Martha, Rebecca, Hanah and Ruth, Children of the Aforesaid John Hendrickson.

p. 358 Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the Same. that the said John Hendrickson the Father, Native of Rotherdam in Holland now an Inhabitant of Kent County in the Province of Maryland and John, Samuel, Rachel, Mary, Mildred, Margaret, Martha, Rebecca, Hannah and Ruth his Children and Each and Every of them be Enabled and Adjudged to all intents and Purposes to Demand & Challenge have hold and Enjoy any Lands Tenements rents and Hereditaments to which the said John the Father or John, Samuel, Rachell, Mary, Mildred, Margaret, Martha, Rebecca, Hannah, and Ruth his Children or any of them may or shall in any Wise be Entituled to within this province as if the same John the Father had been the Free and Naturall born Subjects of the Kingdom of Great Brittain and Leige person thereof it appearing to this Generall Assembly that they the said John the Father and John the Son have taken the severall Oaths to the Govern^t prescribed by Law and that they the said Samuel, Rachell, Mary, Mildred, Margaret, Martha, Rebecca, Hannah and Ruth, Children of the said John the Father are now under age and also that they the said John the Father, and John, Samuel, Rachel, Mary, Mildred, Margaret, Martha, Rebecca, Hannah and Ruth, his Children Each and Every of them be and are hereby Enabled to Maintain Prosecute avow Justifie and Defend all and all Manner of Actions Suits Complaints, Pleas and Other Demands whatsoever within this province as Liberally, Frankly, freely, fully Lawfully and securely as if he the said John the Father had been the Naturall Born Subject of Kingdom of Great Brittain & Leige person thereof any Law Statute usage or Custom to the Contrary thereof in any wise notwithstanding.

An Act to Confirm two Deeds of Sale the One from George Oldfield and Petronella his Wife and the Other from Richard Carr son and heir at Law To a Certain John Carr of Cecill County Deceased to Casparus Augustine Herman. Session
Laws
Chap. XII
p. 359

Whereas heretofore to wit on the third day of October One Thousand Seven hundred Twenty and Eight an Act of Assembly past in favour of Ephraim Augustine Herman for the Recording two Deeds the One from George Oldfield & Petronella his wife the Other from Richard Carr son & heir at Law to a Certain John Carr of Cecill County Deceased to Casparus Augustine Herman with proviso that the said Deeds should be Recorded in Cecill County Records within Six months from the End of a Sessions of Assembly held in October One Thousand Seven hundred Twenty and Eight.

And Whereas the said Ephraim Augustine Herman by his Humble Petition to this Assembly has set forth that the said Deeds were not recorded by reason the Same were mislaid wherefore he prayed he might have Liberty to Record the same within Six months After the End of this present Sessions of Assembly And that the Same may be as valid in Law as if the same Deeds had been Recorded within the time Limmitted by the said Act of One Thousand Seven hundred Twenty and Eight.

Be it therefore Enacted by the Right Honourable the Lord Proprietary by & with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that the said Deeds and every the articles Clauses and Covenants in them Contained and Expressed shall be as Good Effectuall and Valid in Law to all Intents and purposes whatsoever as if the same Deeds had been actually Recorded according to the Express Laws of this Province or the before mencond Act of Assembly any Law Statute usage or Custom to the Contrary notwithstanding, Provided the said Deeds shall be recorded in Cecill County Records, within Six months from the End of this Sessions of Assembly Saving to his Sacred Majesty his heirs & Successors & to the Right Honourable the Lord Proprietary his Heirs & Successors and all Bodies Politick and Corporate & all Others not Mencōnd in this Act their Respective Rights. p. 360

An Act to Record a Deed of Bargain and Sale made by Thomas Humphryes Esq^r and Mary his wife to Jn^o Gresham Esq^r Chap. XIII

Whereas it hath been made Apparent to this Present Generall Assembly by the Petition of John Gresham, that John Gresham Esq^r his Father Deceased on the thirtieth day of October Anno Domini One Thousand Seven hundred & Twenty three Purchased of Thomas Humphryes Esq^r late of the City of Annapolis Deceased & Mary his Wife a Lott or parcell of Ground Lying in the City Afores^d Called and Known by the Number 35: and that the said Deed was duly acknowledged by the said Thomas and Mary his wife on the said

Session
Laws
p. 361

Thirtieth day of October in the Year Aforesaid. And whereas it has been made further to appear that the said Deed hath hitherto been Omitted to be Recorded It is therefore humbly prayed that it may be Enacted. And be it Enacted by the Right Honourable the Lord Prop^{ty} by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the Same that the said Deed of Bargain and Sale be as good and Valid in Law to all Intents and purposes as if the same had been Recorded within the time Limmitted by Law Provided the same be Duly Recorded within six months from the End of this Session of Assembly any Omision of having the same Recorded or any Law Statute Usage or Custom to the Contrary in any wise Notwithstanding Saving to his Sacred Majesty his heirs and Successors, to the Right Honourable the Lord Proprietary his heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in this Act their Severall & Respective Rights.

Chap. XIV An Act to Cut of an Entail of a Tract of Land Called Marshes Seat Lying in Arrundell County and to Invest William Vernon with an Estate in Fee Simple in the said Tract of Land and to Settle a Parcell of Land being part of three Tracts of Land Called Happy Choice, Clarks Groves, and the Addition To Clark's Groves Lying in Prince Georges County on Thomas Knighton & the Heirs of his Body in Lieu thereof.

p. 362

Whereas William Vernon and Keyser Knighton by their Petition to this Assembly set forth that Thomas Knighton of Ann Arundell County Grandfather to the said Keysar Knighton was seized in Fee of a Tract of Land Called Marshes Seat Lying in Ann Arundell County Aforesaid and that the said Thomas Knighton by his will Devised the same to Thomas Knighton, Father to the said Keysar Knighton in an Estate Tail That a Copy of the said Will did Appear in the Commissarys office Recorded on a Back of a Book but without probate. That the Originall Will Could never be found that Christopher Vernon the Father of William Vernon Apprehending that thro the Loss of the said will none Estate Tail was vested purchased of the said Thomas Knighton Father of the said Keysar then heir at Law to Thomas Knighton his Father Deceased the said Tract of Land Called Marshes Seat that in the year One Thousand Seven hundred and Seven after Christopher Vernons Purchase An Act of Assembly was made to make Valid in Law the Will of Thomas Knighton. That Thomas Knighton son of Thomas Knighton the Devisor and Keysar Knighton the Grandson next heir to the said Land of Marshes being willing to Accept of a parcell of Land part of three Tracts of Land Called happy Choice Clarks Groves and the Addition to Clarks Grove purchased by the said William Vernon of M^r Richard Snowden as by the Deed of said Richard Snowden Dated the fourth day

of June One Thousand seven hundred & thirty Duly Executed Acknowledged and Recorded may appear. And it appearing that the said Land is of Equall Value to the Land Called Marshes Seat Therefore Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour & the Upper and Lower Houses of Assembly and the Authority of the same that the said William Vernon be Invested with an Estate in Fee Simple in the said Tract of Land Called Marshes Seat anything in the said Will or any Law Statute Useage or Custom to the Contrary Session Laws
p. 363 Notwithstanding Provided the said William Vernon his heirs or Assignes. shall duly Convey unto the said Thomas Knighton, and the Heirs of his Body the said Parcell of Land part of the said Three Tracts of Land Called happy Choice, Clarks Groves and the Addition to Clarks Groves by a Sufficient Conveyance with a Generall Warranty. And Be it Enacted by the Authority Aforesaid by and with the Advice & Consent Aforesaid that said Thomas Knighton the Son and heir of the Body of the said Thomas Knighton be and are vested with the same Estate in the Afores^d parcell of Land part of the three Tracts of Land Called Happy Choice, Clarkes Groves & the Addition to Clarks Groves when Conveyed by the said William Vernon as they would have in the said Land Called Marshes Seat if this Act had never been made any thing in the said Will or any Law Statute Usage or Custom to the Contrary. Notwithstanding Saving to his Sacred Majesty his heirs and Successors to the Right Honourable the Lord Proprietarie his heirs & Successors And to all Bodies Polotick and Corporate and all Others not mencōnd in this Act their Severall and Respective Rights.

An Act to Record and make Valid in Law a Deed from John Watmore to a Certain William Dare the Father and Sale to be made of Certain Lands therein Mencōnd by the Surviving Executor of William Dare the Son. Chap. XIX
p. 377

Whereas a Certain William Dare Deceased about the Year Sixteen hundred and Ninety two for the Consideration of Seven Thousand pounds of Tobacco Agreed with a Certain John Watmore Alsoe Deceased for the Purchase of a Tract of Land Containing Two hundred Acres Lying in Cecill County and the said John Watmore Accordingly Executed an Indenture bearing Date the Tenth day of June in the fourth Year of the Reign of their Late Majesties King William & Queen Mary for the Conveying the said Lands Bounded as in the said Indenture is Mencōnd to the said William Dare in fee Simple but the same Deed was not Acknowledged & Recorded Pursuant to the Directions of the Act of Assembly then in such Case made & provided, Altho a Power of Attorney was made by the said Watmore for that purpose but the Execution thereof prevented by the Death of the Attorney. And Whereas after the Death of the said William Dare the right of him to the said Two Hun- p. 378

Session dred Acres Decended unto his Son William Dare who by his Last
 Laws will & Testament dated Twenty Fifth Nov^r One Thousand Seven
 hundred & Twenty One and Duly Executed Devised the said Two
 hundred Acres by the words following Viz. : As to the Two hundred
 Acres of Land Adjoyning to my new Dwelling Plantation. Called
 Wadmores Neck I Leave in the hands of my Executors to be disposed
 of towards paying my Debts if money should be wanting and of the
 said Will made Major John Dowdall & Cap^t Benjamin Pearce Ex-
 ecutors, who refused the Executorship by which means Administra-
 tion of the Estate of the said William Dare the son with the said Will
 annexed was Committed to Edmond Benson & William Chapman,
 And Whereas the said Major John Dowdall is lately dead and money
 is wanting to pay and Discharge the Debts of the said William Dare
 the son. And a person is willing to purchase the said Two hundred
 Acres of Land if his purchase from the Surviving Executor Could
 be secured by an Act of Assembly for that purpose and for Record-
 ing and makeing the said Deed Valid from the said Watmore to the
 said Dare the Father. Be it therefore Enacted by the right Honour-
 able the Lord Proprietary by and with the Advice and Consent of his
 Lordships Governour and the Upper & Lower Houses of Assembly
 and the Authority of the same that the Aforesaid Deed from the said
 John Watmore to the said William Dare shall & may be within Six
 Months from & after the End of this present Sessions of Assembly
 p. 379 Recorded amongst the Records in the Provinciall Courts Office and
 that the same when so Recorded and the Record thereof shall be as
 valid and Effectuall in Law to Convey the said Two hundred Acres
 for the uses & purposes in the Deed Aforesaid as if the same had
 been Acknowledged and Recorded Pursuant to the Directions of the
 Act of Assembly made in the year Sixteen hundred & ninety Two
 any Law or useage to the Contrary notwithstanding And Be it Fur-
 ther Enacted that any Sale hereafter to be made of the said Two
 hundred Acres for the Purposes and uses in y^r said will Mencōnd
 by the said Benjamin Pearce the Surviveing Executor of the said
 William Dare the Son, shall be as Valid & Effectuall in Law to
 Convey and sell the said Two hundred Acres as if such Sale had been
 made by the said John Dowdall and Benjamin Pearce any Law or
 useage to the Contrary Notwithstanding.

Chap. XX An Act to Enable the Clerk of Dorchester County to Deliver a
 Deed of Bargain and Sale from the Heir of Henry Bray to Wil-
 liam Cornwallis unto Richard Bennett Esq^r and to Enable the
 Clerk of Queen Anns County to Deliver a Deed of Sale from the
 heir of John Jones to the said Cornwallis unto the Clerk of Dor-
 chester County and to Enable him to Record the same.

Whereas by An Act of Assembly Past at a Generall Assembly
 began & held at Annapolis the Sixth day of October Anno Domini
 Seventeen hundred & Twenty four Entituled an Act for secureing the

rights and Inheritances of Sundry Inhabitants within this Province against Certain Impositions by Pretence of Suspected Deeds it was Enacted and Provided that it should and might be Lawfull for the Severall Clerks in whose hands any Deeds of Land Claimed by the said William Cornwallis were to detain in their hands all such Deeds that they might be subjected to a Legal Enquiry and Examination by Virtue of which Act the Clerk of Dorchester County hath kept in his hands a Deed of Bargain & Sale from the heir of the said Bray to the said Cornwallis which by a Transcript thereof Carefully Inspected & Examined by the Lower House of Assembly Appears to be a true Deed And Whereas one other Deed of Two Tracts of Land the one Lying in Queen Anns County the Other Lying in Dorchester hath been hitherto kept & Detained by the Clerk of Queen Anns County by Virtue of the said Act so that the time Limmited for recording the same in Dorchester County is Elapsed.

Session
Laws
p. 380

Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice & Consent of his Lordships Governour & the Upper and Lower Houses of Assembly and the Authority of the same that it shall and may be Lawfull for the Clerk of Dorchester County to Deliver the said Deed from the heir of the said Henry Bray to the said Richard Bennet Esq^r or any Other person haveing a right thereto as if the said Act had not been made any thing in the said Act to the Contrary notwithstanding. And be it further Enacted that it shall and may be Lawfull for the Clerk of Queen Anns County to deliver the Deed from the heirs of the said Jones to the said Cornwallis unto the Clerk of Dorchester County to be by him Recorded, And be it further Enacted that the Clerk of Dorchester County shall and may by virtue of this Act Record the said Deed and that such recording shall be as available in Law and Equity as if the same had been Recorded within the time Limmited by the Act in such Cases Provided for Enrolment of Conveyances, any Omission Law Usage or Custom to the Contrary. Notwithstanding. And Be it Enacted by the Authority Aforesaid that it shall and may be Lawfull for the Clerk of Dorchester County and he is hereby Impowered & required to hold and Detain the said Deed from the heirs of the said Jones to the said Cornwallis in his hands that it may be Subject to a Legall Enquiry and Examination Saving to his Sacred Majesty his heirs and Successors, and to the Lord Proprietary his heirs and Successors, and to all Bodies Polotick and Corporate and all Other persons not named in this Act their Respective Rights.

p. 381

An Act for Cutting of the Entail and Investing an Estate of Inheritance in Fee Simple of a Tract of Land Called Exeter in Henry Wharton of St. Mary's County Gent, and his wife and to Entail Other Lands Lying in St Marys County in Leiu thereof. Chap. XXI

Whereas a Certain Joshua Doyne Late of St Mary's County Gent Deceased on the fourth day of March in the year of Our Lord One

Session
 Laws

Thousand Six hundred & ninety Seven made his Last will and Testament in writeing and among other things therein Contained made the following Devise, Item I give & bequeath unto my Daughter Jane Doyne to her and to her heirs of her Body Lawfully Begotten for Ever three hundred and Sixteen acres of Land being above the Head of Piscadaway Creek in the woods in Prince Georges County which I purchased of Major John Wheeler as by the said will proved and remaining in the Prerogitive Office may appear which said Tract of Land is Called Exeeter and in a short time thereafter Departed this Life after whose death the said Henry Wharton, Intermarried the said Jane by whom the said Henry has Issue, Two sons and Six

p. 382 Daughters & whereas the said Land Devised as aforesaid is Intituled on the heirs of the Body of the said Jane and that the said Henry and his wife Cannott Sell and Dispose of the Same and that the said Land is remote from their habitation which render it Inconvenient and of Little or no Service to them and Whereas the said Henry Wharton by his Petition to this Generall Assembly has set forth that he is possest of a Tract of Rich fine Land in S^t Marys County his now Dwelling Plantation Called Notly Hall Alias Mannahoick Neck Containing Six hundred Acres and that for the payment of his Creditors will be obliged to sell part of his said Dwelling Plantation which will be a greater prejudice to the heirs of the Body of the said Jane than if the aforesaid Entailed Land Were to be sold and that he is willing to Entaile an Equall Quantity of the aforesaid Tract of Land Called Notley Hall Alias Mannahoick Neck on the Heirs of the said Jane in the Same Mannor as Devised by the said Will and whereas the truth of the Premisses is Sufficently made appear to this Present Generall Assembly it is therefore prayed that it may be Enacted And be it Enacted by the Right Honourable the Lord Prop^{ty} by and with the Advice and Consent of his Lordships Governour & the Upper and Lower Houses of Assembly & the Authority of the Same that the said Henry Wharton and his wife Jane be hereby Invested with an Absolute Estate of Inheritance in Fee Simple to them & their heirs for ever in the said Tract of Land Called Exeter and be thereby Enabled to Convey an absolute Estate of Inheritance in Fee Simple thereof to any purchaser or purchasers their heirs and Assigns & that the same by virtue hereof be and remain in absolute Estate of Inheritance to the purchaser or purchasers their heirs and Assigns in as full & ample manner as if the said Lands had been Devised to the said Jane & her heirs for Ever by the will of the said Joshua Doyne the Devisor without any Limitation of Estate therein, Provided that the said Henry Wharton and Jane his wife do and shall within three months after the End of this present session of Assembly make and Execute sufficient Deeds & Conveyances in Law with Generall Warranty for the Conveying and Settling three hundred Sixteen Acres of the said Land Called Notley Hall Alias Mannahoick Neck

begining at the mouth of Bromley Creek and running up Wicoco- Session
moco River for Breadth thence for Length Eastwardly the whole Laws
Length of the Tract then as the Eastermost Lyne of the said Tract p. 383
runs Southwardly to the Land Called Bromly thence with the Lyne
or Lynes of the said Bromley to Bromley Creek thence down the said
Creek to the begining to Contain three hundred and Sixteen Acres
to & in Justinian Jordan Sen^r and Edward Doyne as Trustees to
Enure & be to the use & uses of such person or persons for such
Estate and Estates as the af^d Tract of Land Called Exeter is
Divided to be by the will of the said Joshua Doyne Saving to his most
Sacred Majesty his heirs and Successors the Right Honourable the
Lord Proprietary his heirs and Successors & all Bodies Politick or
Corporate and all others not mencōnd in this Act their severall and
Respective Rights.

II. CALVERT PAPERS

1729-1732

His Lordship's Instructions to his Agent viz.

Charles Absolute Lord & Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c^a Orders & Instructions, Calvert
Powers & Authoritys, to be observed & perused by Mathew Tilgh- Papers 295½
man Ward Esq^r Our Agent & Receiver General of our Province p. 12
of Maryland Given by us at London this 30th of Jan^{ry} 1729

Baltimore.

You will herewith Receive my Commission bearing even Date with these Instructions which I have transmitted in my Packet to my beloved Brother Leonard Calvert our Lieuten^t Gov^r w^{ch} you will 1st
receive f^m his Hand, shewing our thorough approbation of his Choice in You as our Agent and Receiver General of our Province of Mary-
land upon Your giving Sufficient Security, as has always been done p. 13
heretofore, having Given such Directions to our said Governor to see Executed on our Behalf, which when done, we shall not Doubt of your faithful & diligent Discharge of the Trust & Interest reposed in you to us, requiring you punctually to observe our Instructions from time to time you shall Receive, Such Obedience shall always meet my continued Favours.

You are hereby directed to give Orders to the several Officers to 2d
make up their Accounts Annually and Sign them, to be transmitted for my Approbation & perusal.

You are farther to conform to all our former Instructions, & to send me a Copy General of the said that came to your hand which 3d
were sent to my late Agent Nicholas Lowe Esq^r that I may see whether you have them all faithfully delivered to you.

Calvert
Papers
4th You are to allow my Land-Warrants to such People who apply & are residing in, or have possessions in that part which is now in dispute between me & the Pensylvanians (Excepting the Petitioner from paying the Arrears of Rents or Monys due for the Surplus Usage of Lands with the Improving the same to the time of the Application) This you are to confirm upon the desire of my Governor or Phill: Lloyd Deputy Sec^{ry} on any person's behalf.

5th My Will is that you Inform & Transmitt all Matters that do or shall appertain to the Execution of my Office of Receiver General to my Brother Cecilius Calvert whom I have Appointed one of my Secretarys to my Province of Maryland.

By his Lordship's Command
Copia Vera. Cecies: Calvert

C: B.

p. 15 His Ldsp's Instructions to Mat: Tilghman Ward Esq^{re} Agent

Charles Absolute Lord & Proprietor of Maryland & Avalon Lord Baron of Baltimore &c^a Additional Given by us at Woodcote this 19th day of July 1730.

Baltimore.

1. You are immediately on receival of this, to Proceed, with the utmost care & Diligence, to the Settling all arrears of Rents, Fines, Penalties & Forfeitures, that are due to me, from my Tenants in my respective mannors, & make them render good payment. As to their bringing their Rents on Christmas day, to the Dwelling House of you my Agent, which by their Leases they are to do, You must oblige them, as far as is consistent with reason.

2. I am very sensible of a great part of my Tenants Principles in non payment of my Dues, not only in the mannor of Susquehannah, but likewise in several Others. You are upon their Non-compliance, to consult with my Brother the Governor, and put in Execution proper Measures to force them. Indeed, where their Laws are Defective, & not well secured to them, as my desire is they shou'd; My Order & Will is, & I do hereby Direct & Impower you with the Advice of my Brother the Governor, to Grant new Leases to them that are so found. As to M^r Talbot's Estate, 'tis forfeited to me, & as such shall keep & Maintain it, & do expect to hear of you confirming Me in Possession of the said, & th^t you grant Leases as with the Advice afores^d

3. You are hereby directed to take upon you the Receiver's place of my Mannor-Rents on the Western Shoar; As I sent Orders to my Brother the Governor concerning the said Mannors. I here send you M^r Darnall's Account, likewise M^r Henry Brookes, who received for him. The Tenants in general Owe me great Arrears (particularly the Mannor of Parjah) which has not paid me any thing these four years last past, which they never refus'd before for which they

p. 17
[Parjah sc.
Pargaiah]

Alledge many unjust excuses & Evasions, which are of no signification, therefore require of you th^t proper measures are taken to rectifie them, & that as soon as possible a good Account be Transmitted & th^t you will keep them strict to paying me my Dues; As to M^r Henry Brooke's, if you & the Governor think fitting to Employ him you may, but I shall expect all Accounts relating thereto from you.

4. I do for the future expect upon the renewal of any Leases that drop in by Lives or otherwise, that you will consider & examine the Improvements that are made upon the Premises, & lett me have a just Valuation, & not altogether go by the Old Standard, thinking it equitable I shou'd reap some benefits from the Improvements that are made.

5. Whereas great Abuses have been & are committed by my Officers in Measurement of Tonnage of Ships, & as I shall from the Custom-house here, take care to know how all Ships are rated trading to our Parts, so I must will & require you to see th^t so gross an Abuse be rectified.

6. You are to forward & Dispatch with the Assistance of my Brother the Governor, Philemon Loyd our Deputy Secretary & Ric^d Bennett Esq^{re} the Finishing my Rent Rolls, which when Settled, you must Transmit to me; your strict compliance in Forwarding this, as 'tis of the greatest consequence, so will it most oblige.

By his Ldsp's Com^d
Cecilius Calvert.

C: B:

His Lordship's Instructions to Mat. Til. Ward Esq^{re} Agent. 42
Maryland

Charles absolute Lord & Proprietary of the Provinces of Maryland & Avalon. Lord Baron of Baltimore &c^a Additional Given by us at London this 29th of Jan^{ry} Annoq Domⁿⁱ 1730
Baltimore

1. Whereas by my Commission bearing Date with my Instructions of Jan^{ry} 30th 1729 by Vertue of which I appointed you my Agent & Receiver general of our Province of Maryland, requiring you on Acceptance thereof to give to our Beloved Brother our Lieutenant Governor, sufficient security for the Faithful discharge of your Trust & Duty therein; As also requiring the same from my Naval Officers, collecting in their several Districts, w^{ch} s^d Securitys you must Transmit to me. And I do Expect th^t you will pay due regard in the Execution of this Instruction. Likewise strictly persue those in every part, unless I shou'd signifye to the Contrary, which have been from time to time sent by me to my late Agent Nic^s Lowe Esq^{re}

2 You are to persue our second Instruction sent you, Article the 2^d concerning Connaught, alias Susquahannah Mannor in Cecil

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p. 43

County, formerly forfeited by Coll^l Geor^e Talbott to my Grandfather who had no Right to Restore it, Therefore I do hereby Impower you, to take Possession of the s^d Mannor, and grant Leases, upon such conditions, as with the advice of the Governor, Phil: Loyd & you shall think most Proper, to any persons who are desirous to settle upon the s^d Mannor.

3 You are to take particular care in Relation to my Mannors, upon any petition being profer'd to you, holding by Lease or otherways out of my Mannors, that their design is not chiefly to demonstrate the precarious circumstances of all my Mannor Lands, their ancient Limits, their boundaries having been Subject to frequent Alterations, until the Exteriour Limits be ascertain'd in such a manner, as shall perpetuate them to Posterity.

Therefore you must take care how you make any Condescensions of Right, the consequence of which may be greatly detrimental to my property, until things are duely weigh'd, fixt & consider'd.

4. Whereas by my Order in favor of W^m Rock of Biddeford, for allowing him to Reship Tobacco lost in the Vessell call'd the Peter 1728, w^{ch} s^d Vessell was clear'd at the Port of Annapolis by Benj. Tasker Esq^{re} my Naval Officer, & whereas there is a most fraudulent cheat committed in order to deceive me of my just dues by the said W^m Rock & Thom^s Hopkins Master, who clear'd with 133 hhd^s of Tobacco & no more; the s^d W^m Rock owner of the s^d Vessell, on her being lost, Swore, as it is certified in the Certificate, th^t her Loading was 145 hhd^s which is 12 hh^{ds} more than she paid Duty for, w^{ch} s^d Duty, you are to acquaint M^r Tasker I do Expect, shall by some means or other be paid me, & I do Direct & Require of you, p. 44 that if ever Thom^s Hopkins comes again into our Province, th^t you will consult my Gov^{or} & Attorney Gen^l to Punish him with rigour, as the Law directs for Perjury, he having Sworn to his Manifest at Clearing.

5. Whereas by my Instructions of the 19th of last August, on Article of Tonnage & Measurem^t of Ships trading to our Parts, & tho the Custom of Registering of Ships, w^{ch} said Register all Vessels are cleared without any measurem^t or at least at much less, than they are, w^{ch} is become so great an apparent abuse, that I will not suffer to be thus treated for the future, & tho custom may be pleaded, yet it shall not be a Bar to Equity; Therefore I do require & Direct you to give positive orders to all my Naval Officers not to suffer any Vessell to clear her Loading, unless she first pays her Tonnage according to her Measurement.

6. You are hereby directed to tell the Executor of Jam^s Carroll that as to the Acc^t deliver'd agst me, whereby the Ballance on their side is made 72000^{tb} of Tobacco, of w^{ch} they demand payment you are to signifye to them, th^t I shall not order any paym^t knowing of

no Agreem^t that I ever made with M^r James Carroll for keeping Calvert
my Rent Rolls. Calvert
Papers

by his Ldsp's Com^d
Cecil^s Calvert

C. B.

Orders & Instructions to be persued by our Trusty & well-Beloved
Samuel Ogle, Gov^r of the Province of Maryland. on his being nom-
inated to that Governm^t viz.

1. You shall on your Landing, Proceed in the Making y^r Com- p. 45
mission known, as y^r Predecessors have done.

2. You shall advise with our Council, about Calling of the As-
sembly.

3. Whereas the Revenue Law Expires next year, you may renue
it on the present footing for 2 or 3 years longer if you see convenient,
but not Suffer any other clause to be tack'd to the s^d Revenue Bill.

4. You shall forthwith order a proper Regulation to be made
for the better Ascertainig the Collecting My Quit-Rents, if occa-
sion shou'd be.

5. Whereas there have been great Abuses in my Shipping Dues,
by reason of false Tonnage, you are to direct proper Officers to
cause all ships to pay, according to their true Tonnage.

6. You are to Conform to all the Instructions sent to former
Governors, as you shall find Enter'd on the Council-Books of the
said Province.

NB. Samuel Ogle Esq^{re} was nam'd Gov^r on or ab^t Sept^r 1731.

The Form of the Patent for the Appointment of a New Governor p. 50
in Maryland. viz.

Charles Absolute Lord & Proprietary of the Province of Maryland
& Avalon in America, & Baron of Baltimore in the Kingdom of
Ireland to Samuel Ogle of . . . Esq^{re} & to all others to whom these
presents shall come & any ways concern Greeting: Know all Men
that We in consideration of our regard & Affection which we bear
to you Samuel Ogle Esq^{re} & reposing special Trust & confidence in
your Loyalty, Prudence, Conduct & Fidelity Have Nominated, con-
stituted & Appointed, & with the Approbation of his most Sacred
Majesty King George the 2^d Do, by these presents, nominate, con-
stitute & Appoint you our said Trusty & well Beloved Sam: Ogle p. 51
Esq^r Lieutenant General, & Chief Governor of our said Provinces
of Maryland & Avalon in America, & also Commander in Chief
both by Sea & Land of all the Forces raised, or to be raised within the
Limits of our s^d Provinces, or the Islands, Territories & Dominions
thereunto belonging and over all such Forces to Appoint proper
Officers, & Them to Amove & Displace at your Will & pleasure.

Calvert Papers And further we do by these Presents Impower & Authorise you our s^d Trusty & well Beloved Sam^l Ogle, to call & Summon any general Assembly or Assemblys, & Them to Prorogue or Dissolve at your own will & pleasure; And Likewise, in our Name but with the Advice & consent of our Council & the Delegates of the Freemen in the s^d provinces in Assembly conven'd to make & Enact such Laws as you & They shall think convenient for the good Government of the Inhabitants in our s^d provinces, as likewise to repeal or alter any Law or Laws whatever already Enacted in the s^d provinces, as you with the Advice & Consent aforesaid shall think fitt & Expedient; Provided, Such Laws so to be made & Enacted, be not repugnant to the Laws of Great-Britain, nor destructive or Invading of the Prerogative Royal, granted to the Lord Proprietary of the s^d Provinces; all which Laws you are hereby required to Transmitt to us for our confirmation or Disallowance of them. And We do farther by these Presents Grant full Power & Authority to our s^d Trusty & well-Beloved Sam^l Ogle, to Exercise, Execute and put in practice all & every other power or powers, Jurisdictions & Authoritys whatsoever, granted in & by the Letter-Patents of his late Majesty King Charles the First of Blessed Memory, unto our noble Ancestor Cecilius Calvert Baron of Baltimore his Heirs & Assigns, in as ample a manner as

p. 52 if we were there personally present, & generally to Do, Execute & Perform all Manner of Matters & things necessary for the good Order, Government Administration & Execution of Justice, the maintenance of our just Rights & Prerogatives, & for the Defence, Peace & Preservation of our s^d Provinces & the Inhabitants thereof, To Have & to Hold the said Offices, Stations & Powers with all & Singular the Rights, Emoluments & Privileges thereunto belonging & Appertaining, during our pleasure, Observing nevertheless & performing such Orders & Instructions as we from time to time, shall send to you our s^d Trusty & Well Beloved Samuel Ogle. Provided always th^t nothing herein before contain'd, shall be Deemed construed & Taken to Extend, or give any power or Authority to you the s^d Sam^l Ogle, to Do, Suffer or Acquiesce in, or Agree unto any Thing, by means or reason whereof, either we or our Heirs, may be Impeach'd Hurt or Prejudiced, in our Royaltys, Jurisdictions, Rights, Titles, Property or Interest of, in & to our s^d provinces, or any part thereof; any thing herein before contain'd to the contrary thereof in any wise notwithstanding, And Lastly, we do by these presents Revoke, Repeal & Make void all former Commission or Commissions formerly given or granted to any person whatsoever strictly commanding & requiring all persons of what Degree & condition whatsoever to pay ready & due respect, submission & Obedience to our s^d Trusty & well Beloved Samuel Ogle Esq^r as They will answer the contrary at their utmost peril.

Given at London under our Hand & Seal at Arms this day of in the 5th year of the Reign of our Sovereign King George

the Second, & in the 15th year of our Dominion over the s^d provinces, Calvert
Annoq Domⁿⁱ 1731. Papers

The Form of the Oath Administer'd to the New Governor. viz. p. 53

I. A: B: Do Swear that I will be true & faithful to the R^t Hon^{ble}
... Lord Baron of Baltimore the true Absolute Lord & Proprietary
of this Province of Maryland, & his Heirs, & Him & Them, & his &
their Rights, Royal Jurisdictions & Seignories all & every of into
& over this his Province of Maryland the Islands & Territories
thereunto belonging I will at all times Defend & Maintain to the
utmost of my power, & will never Accept any place Office or Employ-
ment within the s^d province any way concerning or relating to the
Governm^t thereof, from any person or Authority but by from or
under a Lawful Authority derived or to be derived from his s^d Lordsp
as his Governor or Comander in Chief of the s^d Province, & in all
other Offices comitted to my charge by his s^d Ldsp's Comm^{on} or
Comm^{ons} to me, & will willingly yield up the s^d Com^{on} or Com^{ons}
again & all offices Powers & Authoritys granted or to be granted
by them or any of them into the Hands of his s^d Ldsp & his Heirs
& Assigns or to such person or persons as He or they shall appoint
whomsoever He or They shall appoint me so to do, & shall signify
the Same unto me; and will not presume to put in Execution or
Attempt to Execute any Office Power or Authority granted unto me
by any of the s^d Commissions after that his said Lordship or his
Heirs & Assigns Lords & Proprietaries of the s^d Province shall repeal
them or any of them respectively, & that the s^d repeals be publish'd
within this Province; I will do equal Right & Justice to the poor & to
the Rich within this Province to the best of my skill Judgement &
Power according to the Laws & Ordinances of the s^d Province, & in
Default thereof according to my Conscience & best Discretion & the
power granted or to be Granted unto me by his said Lordship's p. 54
Comm^{on} or Comm^{ons}, I will not for fear favor or Affection, or
any other cause hinder or Delay Justice to any, but will truely
execute the s^d office & Offices respectively according to his s^d Ldsp's
Com^{on} to me in that Behalf & to the true Intent & meaning thereof
& not otherwise, to the best of my understanding & Judgement; I
will not know of any Attempt against his s^d Ldsp's person or his
Right & Dominion into or over the s^d Province or the people therein,
but I will prevent Resist or oppose it to the utmost of my power &
make the same known with all convenient speed to his s^d Ldsp; &
I will in all things from time to time as occasion shall require faith-
fully counsel & advise his s^d Lordship according to my Heart & Con-
science. So Help me God.

His Lordship to C^s Calvert Commissary General D^r Calvert p. 41

I am glad to find you are easier than you were; You may Depend
on my Friendship, & hope you never will lay me under the necessity

Calvert of doing any thing that is disagreeable to you: As I intend to make
Papers the Province a Visit in the Fall, I shall not be more prolix at present.

Happyness to you & yours Y^r Friend & humble Serv^t

Baltimore

P. S. You are to send 50£ a year out of y^r office to Mess^{rs} Hyde & Comp^y for my Order & use.

p. 45 Additional Instructions to our Right Trusty & well Beloved Charles Lord Baltimore of our Kingdom of Ireland Proprietor & Governor of our Province of Maryland in America or to the Commander in Chief of our said Province for the time being. Given at our Court of St. James's the 5th day of May 1732 in the Fifth year of our Reign.
Sign'd George R.

p. 46 Whereas Complaint has been made to us, by our Merchants of the City of London, in behalf of themselves & Several others of our good Subjects of Great Brittain trading to our Plantations in America, that greater Dutys & Impositions are laid on their Ships & Goods, than on the Ships & Goods of persons who are Natives & Inhabitants of the s^d Plantations; It is Therefore Our Will & Pleasure, that you do not upon any Pretence Whatsoever, on pain of our highest displeasure, give your Assent for the future, to any Law, wherein the natives or Inhabitants of Maryland under Your government, are put on a more advantageous footing than those of this Kingdom. It is further Our Will & Pleasure, that you do not, & you are hereby expressly forbid to pass any Law, by which the Trade or Navigation of this Kingdom may be any ways affected, Hereby Declaring it to be our Royal Instruction, that no Dutys shall be laid in the Province under your Government, upon British Shipping, or upon the Product or Manufactures of Great Britain, upon any pretence whatsoever
G. R.

Black Book At the Court at Kensington the 21st day of July 1732 Present.
No. 11

The Queens most Excellent Majesty Guar Kingdom of Great Britain and Lieutenant within the same

Lord Chancellour	Earl of Burlington
Lord President	Viscount Falmouth
Lord Chamberlain	Lord Raymond
Duke of Kent	M ^r Chancellor of the Exchequer
Duke of Newcastle	S ^r Charles Wills

Whereas there was this day read at the Board the humble Memorial of Charles Lord Baltemore Lord Proprietor of the Province of Maryland Setting forth that His Majesty had been graciously pleased by His Order in Council of the 1st of July 1731 to Approve of Samuel Ogle Esq^r whom the Memorialist had Nominated and Appointed Lieutenant Governor of the said Province and that the said Ogle before his Departure for that Province had given the

usual Security in the Penalty of two thousand pounds for duly observing the several Acts of Trade and Navigation. That the Memorialists Affairs necessarily requiring his presence in the said Province to set out for the same But that being Sam^l Ogles Commission as Lieu^t Governor Powers he derives under the same will be Superceeded on the Memorialists Arrival in the said Province And that the said Ogle cannot on the Memorialists leaving the said Province on his return to England take upon him the Government of the said Province again without new Powers and Authoritys to be given him for that purpose. And the Memorialist being desirous to leave the Government of the said Province under his Care. He most humbly prays that Her Majesty will be graciously Pleased to Approve of the said Samuel Ogle to be Lieutenant Governor of the said Province upon such the Memorialists Departure from thence. And that the said Ogle may be Allowed to Enter into New Securitys on his taking the Government of the said Province again upon him for the observation and Navigation before His Majesty the like Penalty of two thousand pounds Majesty taking the same into Consideration was pleased with the Advice of his Majestys Privy Council to Declare Her Approbation of the said Samuel Ogle to be Lieutenant Governor of the said Province of Maryland and to take upon him the Government thereof upon the Departure of the Lord Baltemore from thence Provided that the said Samuel Ogle doth Qualify himself for that trust in such manner as the Law requires. And that he doth give good and Sufficient Security to His Majesty to be Entered into before His Majestys Lieutenant Governor of Virginia in the penalty of two thousand pounds for his due Observance of the several Acts of Trade and Navigation and for his Obeying such Instructions as shall from time to time be sent unto him from His Majesty or any acting under His Majestys Authority pursuant to the several Acts of Trade relating to the Plantations. Whereof the said Lord Proprietor of the Province of Maryland the Lieutenant Governor or Commander in Chief of His Majestys Province of Virginia for the time being The said all others whom it may concern are to take and Govern themselves accordingly.

Jas. Vernon

Black Book
No. 11

The Commissioners of the Plantations Letter to Gov^r Ogle dated at Whitehall June the 16th 1732; wrote & Signed by Alured Popple Esq^r

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p. 46

Sir

His Majesty having pleased upon the Address of the House of Commons, dated the 25th of the last month, to Direct my Lords Comm^{rs} for Trade & Plantations, to prepare a farther Representation to be laid before the House in the next Session of Parliament, of the State of his Maj^{ty}'s Colonies & Plantations in America, with

Calvert Papers
 p. 47 respect to any Laws made, Manufactures sett up & Trade carried on there, w^{ch} may Affect the Trade, Navigation or Manufactures of this Kingdom; my Lords Comm^{ers} have comānded me to give you this Notice, & to desire you will immediately upon the receipt hereof, send them the best & most particular Accounts you can, of any Laws made, Manufactures sett up or Trade carried on in the Province of Maryland, w^{ch} may in any way affect the Trade, Navigation & Manufactures of this Kingdom, & that you will take it for a constant Rule, to send my Lords Commissioners, annual Returns to these Queries.

William Janssen his Lordship's Secretary to Alured Popple Esq^{re} Secretary to the Lords Commissioners of Trade & Plantations.
 Sir

I am order'd by the Lord Proprietor of Maryland to send you the inclosed, w^{ch} is a short Acc^t of Y^r Province: The extremity of the weather preventing Ships Sailing, hath prevented its being done sooner: His Lordship desires you will lay it before the Lords Com^{rs} of his Maj^{ty}'s Plantations.

A Short Account of the Province of Maryland Anno 1732

The number of Inha^{nts} according to the nearest computation that can at present be procured is about 96000, whereof 21000 are Blacks; but it is very difficult, if not impossible, to give an exact Acc^t of the number of white Servants, their times of Servitude daily ending, & others constantly coming into the Province. It is impracticable to give an Acc^t to what Degree, the number of people in general are increas'd or decreas'd within these five years last past, there not being that I can find, any calculation heretofore made, but only of the Taxables.

The Comoditys Exported to Great Britain are Tobacco, a small Quantity of Iron, some Furs, Staves & other Lumber.

There are a few Traders to the W[;] Indies, the Maderas & Lisbon; the comoditys sent to the places above mention'd, are Grain, Bread, Flower, Beef, Pork & Lumber, & the Comoditys rec^d f^m the W[;] Indies are Rum, Sugar & Molasses & wine for the Maderas. New England carries on a Trade with this Country & exchanges Rum & Molasses for Grain.

p. 48 The Inhab^{nts} of y^r Province still supply themselves with what Manufactures are needful for them f^m G[;] Britain only, so far as they can possibly find means to purchase the same, but the exceeding Poverty of the People in general, occasion'd by the low price of Tobacco, hath driven the poor Familys to make some few course Woollens & Linnens, to cloath themselves, without which they must go naked.

The Trade of the Province is of late years greatly Decay'd the Price of Tobacco for several years has been so low, th^t the Makers of it have been brought to the want of many of the Necessarys of Life, & by their neglecting other things, & Trusting wholly to that, in hopes of an Amendm^t in its Value, They seem now almost reduced to an Incapacity of carrying on any considerable Trade Whatsoever. To prevent Illegal Trade, there are Officers appointed in the several Districts of the Province, pursuant to the Acts of Trade & Navigation. The number of Vessels belonging to this Province are about Sixteen Sloops, Two Snows & one Ship, the Number of Sea-faring Men are about 106; all the above-mention'd except one Sloop & the two Snows are built in this Province.

There is One Iron-Work Settled or two or three more which are not compleat

Dated from Annapolis Febr^y 23^d 1732/3.

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In this index, no entry is made of references of a purely formal nature to the Lord Proprietary, the King of England, the Governor, the Speaker, the Clerks of the two Houses, or the seat of Government.

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